

LEFT AND RIGHT

AMERICA VS. THE INDIAN

SDS: THE NEW TURN

RONALD REAGAN,
EDUCATOR

NATURAL LAW AND
ANARCHISM

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LEFT AND RIGHT

A Journal Of Libertarian Thought

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FRANK CHODOROV

R. I. P.

It was almost twenty years ago that I first met Frank Chodorov. It was at one of those luxurious but terribly dreary cocktail parties that have long served as rallying ground for the intelligentsia of the American right-wing. There the more articulate of the rightists are wont to gather to declaim at each other for the umpteenth time on the perils of inflation, the immorality of welfare recipients, and the clear and present menace of Walter Reuther to the vitals of the American Republic. These and similar cliches have long provided the feeble structure of application for the glittering but always vague generalities on "free enterprise", "limited government" and the American Way. The men of the Right have long been content to set forth this windy rhetoric as a convenient and almost "non-controversial" substitute for hard-edged ideas, while on the back stairs they dicker with the brokers of Big Government for an increase in their subsidies and privileges and a cut in their fiscal burdens.

In that crowd of time-servers, Frank Chodorov stood out like a blaze of radiant light. He stood out at that cocktail party, too, the only person alive and ablaze amidst the whole gaggle of one-dimensional and identical men around him. There he stood, his tie askew, his balding head disheveled, the ashes from his beloved pipe flying all around, his intelligent and merry eyes twinkling as he scored some outrageous, logical, and beautifully penetrating point to some clod who couldn't tell the difference between the host of cardboard "individualists" and this one genuine article. For Frank was sui generis, and the vast gulf in the quality of mind and the rigor of ideas

between him and the other "rightist" intellectuals was, in a sense, embodied in that other gulf of spirit and outward form.

Unflinching honesty, courage, love of the intellect and the products of the mind, these are some of the things that distinguished Frank Chodorov to the very core of his being and set him many light years above his confreres. While the others prattled on about liberty and individualism, Frank Chodorov really meant it; he was an individualist, and when he died in late December, 1966 an entire era died with him. The outstanding disciple of his beloved mentor, the great libertarian Albert Jay Nock, Frank Chodorov, again unlike his "libertarian" colleagues, never forgot for an instant that the State is the great predatory enemy of the human race, that the State is, in its very being, the organization and regularization of predation, exploitation, and robbery. He did not, as do most classical liberals and alleged libertarians, merely regard the State as another instrument of social utility, which in proper measure might be useful and even praiseworthy. Scorning evasion and compromise, Frank Chodorov saw the State, from early days to last, as a profoundly anti-social institution, the canker in the heart of any attempt at peaceful cooperation by free individuals in society.

I shall never forget the profound thrill--a thrill of intellectual liberation--that ran through me when I first encountered the name of Frank Chodorov, months before we were to meet in person. As a young graduate student in economics, I had always believed in the free market, and had become increasingly libertarian over the years, but this sentiment was as nothing to the headline that burst forth in the title of a pamphlet that I chanced upon at the university bookstore: Taxation is Robbery, by Frank Chodorov. There it was; simple perhaps, but how many of us, let alone how many professors of the economics of taxation, have ever given utterance to this shattering and demolishing truth? Frank was always like that; while the pusillanimous rightists pleaded with our rulers to cut the income tax by a few percent, Frank had the perception and the profound honesty to "tell it like it is." While the general run of rightists decorously deplored the increase in the public debt and urged the government to retrench a bit, Frank Chodorov boldly and logically exhorted his readers: "Don't Buy Bonds!" Since he was a real individualist and not a would-be member of a team of White House advisors, Frank's "alienation" from the

government of the United States was total; hence, he was the only one of the host of ostensible believers in the free market economy in this country to call for the outright repudiation of the public debt, and to see that such repudiation is infinitely more libertarian and infinitely less criminal than looting taxpayers to redeem that debt.

Being a genuine individualist, Frank again pursued the logic of liberty without flinching to arrive at an even more dangerous position: "isolationism", in short, absolute limitation upon government action in the foreign as well as the domestic sphere. This brand of "isolationism" meant, quite consistently, economic and cultural exchange to the uttermost (free trade, freedom of migration, friendship with all foreign peoples), coupled with the political isolating of the U.S. government from all forms of meddling with and pushing around of the people of other countries. He abominated militarism or conscription in any form. For his intransigent opposition to American imperialism's entry into World War II Frank Chodorov was obliged to leave his post as director of the Henry George School of Social Science in New York, and to eke out a precarious living as the owner, publisher, editor, and distributor of analysis, one of the best, though undoubtedly the most neglected, of the "little magazines" that has ever been published in the United States. Over a decade later, and toward the end of his writing career in 1955, Frank, as editor of the revived Freeman, did his best to reaffirm the values of isolationism and to stem the headlong and tragic rush of the right-wing toward the even more disastrous imperial crusade of the Cold War. Also toward the end Frank tried his valiant best to stem the concomitant rush of the right-wing to adopt the label of "conservative." Frank knew his intellectual history; he was and always would be an "individualist", and he recognized "conservatism" to be the embodiment of the creed of the ancient Statist enemy. Writing to protest the designation of himself as a "conservative" in the pages of National Review, Frank retorted: "anyone who calls me a conservative gets a punch in the nose." His cri de coeur, alas, went unheeded; and a lot of deserving folk remain unpunched to this day.

Analysis was the crown of Frank Chodorov's achievement. The chief writer as well as editor and publisher of this four-page monthly broadsheet, Frank, sitting in a dingy loft in lower Manhattan, month after month, published his beautifully written, penetrating, and infinitely logical- and hence radical,-essays. As a stylist he was a distinguished craftsman, emulating Albert Jay Nock; his

characteristic mode was the quietly penetrating parable. And so: the attacks on taxation, on public schooling, on government debt, on militarism; and the loving evocation of his heroes -- Nock, Thoreau, Spencer. Going through the back files of analysis will not take much time; but the reward in communicating with the mind of a keen and fearless and clear-headed individualist at work will make this an experience infinitely more educational than years of courses at the multiversity.

For Frank as a person one adjective, corny though it may seem, persists in crowding out all the others: "lovable". All of us loved Frank, and loved him deeply; even those who were scarcely fit to be in the same room with him, even those who used him only to betray everything he stood for, even they realized that here, above all others, was a man. Wedded to that keen intelligence and merriment, to that fearlessness and candor, was an infinite gentleness of soul, an almost childlike simplicity and open-heartedness that poured forth his generosity and his spirit to the eager young. From that very first meeting at the cocktail party I was drawn irresistibly to Frank, and would sit at his feet imbibing his wisdom and his unvarnished insight. Always eager to give young libertarians their start, he was the first to publish my own fledgling work; I remember proudly my first article in print: a review of H. L. Mencken's A Mencken Crestomathy in the August, 1949 issue of analysis.

One of Frank's great attributes was his love of intellectual discourse, of the play of ideas and the life of the mind. A son of rough-and-ready days of Old New York, Frank cut his eyeteeth in intellectual discussion and debate when these flourished in the cafeterias of the Lower East Side in the early decades of the century. It was characteristic of Frank that he once lamented to me that there didn't seem to be any Marxists around anymore. With Marxists one could argue and converse; one could slash away at the labor theory of value and make an impact. But what can you do, he went on, with pragmatists, with men whose statism or socialism is not grounded upon any logic or principle?

It was a sad, sad day for me and maybe for Frank as well when his wonderful one-man publication died; it was like the death of a dearly beloved member of the family. Officially, as with almost all publications these days, analysis did not die, but was merged with the Washington weekly Human Events. In those days Human Events was not the conservative puff sheet it was later to become,

but a newsletter of some distinction; but still, the loss was irreparable, even though Frank continued to write frequently for Human Events as associate editor. I shall never forget the last time I saw Frank as he was packing to make the move to Washington, a move that was for him truly cataclysmic for he was going, he said a bit fearfully, into the heart of the State itself, into an environment of almost pure statism, and he hoped that he would be able to remain uncontaminated by the deadly atmosphere.

Frank, in those days, was far more unsentimental and radical about politics than I. I was an ardent "extreme right-wing Republican", in the days of course when this term meant isolationist and at least partial devotion to the liberty of the individual, and not a racist or enthusiast for the obliteration of any peasant whose ideology might differ from ours. But Frank, even then, would look at me quizzically and want to know why I was concerned with political clap-trap; he personally had not voted for decades and had no intention of ever voting again, regardless of the degree of statism of the particular candidate. I replied that extreme right-wing Republicans, though of little hope in rolling back the statist tide, at least would keep things from getting worse. "What's wrong," Frank countered, "with things being allowed to get worse?"

Frank remained a few years an exile in Washington, and then returned to New York for an all-too-brief stint as editor of the Freeman during 1955. Our paths crossed when I had the honor of succeeding Frank as Washington columnist for the now totally forgotten "little" West Coast magazine, Faith and Freedom. After 1955, however, Frank's great voice was stilled. Partly for lack of suitable outlet, then largely from the tragic illness that was to cut him down following the death of his beloved wife, shortly after their golden wedding anniversary. Frank's final flowering was his last ideological testament, the brilliantly written The Rise and Fall of Society, published in 1959, at the age of 72. For the rest, we must hastily draw a veil over these years, not only because of his lengthy illness but because of the betrayal of his name and his ideas in the latter years by those whom Frank, in his nobility of heart and simplicity of soul, embraced and trusted implicitly. The mark of Frank's life now transcends all of that, as a giant blots out the pygmies that might attempt to surround him. And yet it will be a long time before they can be forgiven. One of the last times that I saw Frank I recalled to him how much I had

loved analysis, and how much it had meant to me, both intellectually and personally. A gleam, a strong hint of the old merry twinkle, came back into his tired eyes, and he said, wistfully: "Ah yes, analysis. That was the one time in my life I could write what I really believed."

As we gathered a few weeks ago at Frank's funeral, we old acquaintances, friends, and enemies, there was a very real sense that in paying last respects to Frank we had found a life with a very special meaning, a meaning that could transcend the very real grief at his loss. Surely one part of that meaning is that we must all pledge to fight to bring about a world where a Frank Chodorov will receive all the honors, all the acclaim and even all the simple honesty of treatment, that is his just due. And especially we must do what he wanted us to do above all: to hold high the torch of liberty, and to pass it on to succeeding generations. We mourn and grieve his loss; but we are proud that Frank has joined the Immortals. Above all, we are proud and privileged to have known him and loved him as a friend.

Murray N. Rothbard

SDS :

THE NEW TURN

Among the activist organizations of the New Left, two and only two have had a direct impact on American life: SNCC and SDS (the Berkeley phenomenon has been important, but has not been contained in anyone organization.) SNCC, founded in 1960, was the first, and its militance, direct action, and spirit of participatory democracy provided the inspiration for the now far larger Students for a Democratic Society founded two years later. In the years following 1960, the Negro struggle provided the sole focus for New Left activity, and hence, SNCC, albeit a cadre rather than a mass-membership organization, was alone in the moral and political forefront. But then a great widening of the struggle took place in the winter of 1964-65, which thereby served as the first crucial turning-point for the New Left; for the Berkeley Free Speech eruption in December 1964 and the shocking Johnson escalation of the Vietnam war two months later ineluctably brought to the fore the issues of university education and the ever more repellent war in Vietnam.

Granting the basic importance of change in the university, it was quickly evident that the horror of the Vietnam War would have to be the main focus of any opposition movement to the current reigning corporate state in America. It was also clear to the New Left that the traditional forms of peace protest were totally inadequate to the building of a truly mass antiwar movement in the United States. For the traditional (i.e. pre-1965) forms were either: (a) personal pacifist witness, such as the strapping of one's body to Polaris submarines, or (b) the puling ineffectualities of wishy-washy Liberalism, as typi-

fied by SANE, pleading: "Please Mr. President, please follow your peaceful instincts and negotiate." SANE Liberalism was not only ineffectual, it would have been little improved had it been effective: for Johnson simply to "negotiate" is very easy and quite trivial; a call for "negotiations" glorifies a mere process rather than the content of American actions. As for personal witness, however heroic and however lovable, this too was necessarily scattered and ineffective; to most opponents of war, stopping the American war juggernaut is more important than bearing individual witness to the sins of the imperial state. The New Left, searching for a new antiwar strategy, escalated the traditional form of demonstration or peace march, and decided, under the inspiration of the "official" Trotskyist groups (Socialist Workers Party, Young Socialist Alliance), to erect a single-issue peace movement, focussed on the theme of unilateral American withdrawal from Vietnam.

The shift from SANE and from pacifist protest to unilateral withdrawal was an enormous step forward in maturity for the anti-war movement, which now for the first time really constituted an opposition movement to the U. S. government's war program. But the movement was still trapped by the Trotskyist insistence on cleaving only to the single issue of the war and on the deliberate omission of all other important social issues, even the ones (such as conscription) which were directly related to the war system. The reason for this uncharacteristic "conservatism" and moderation on the part of the "Trots" is quite clear: the Trots are still part of the "Old Left", and as such believe that the war can actually be stopped simply by forming a traditional, genteel mass pressure upon the President. In short, the static Trotskyist emphasis on public opinion and genteel protest ironically brought the Trots very close to the old SANE strategy of "Please, Mr. President" --- even if the Trotskyist "please" is made of considerably sterner stuff. The single issue approach, moreover, was hopelessly static, and totally overlooked the dynamism inherent in the bringing together in a united front of all sorts of opposition forces to the American Leviathan, on issues foreign and domestic. The basis for unity between black power advocates and the antiwar movement, for example, has become increasingly evident, even when limited to such narrow points as the preponderance of Negroes among the troops that do the fighting and dying in the imperial war in Vietnam. A single-issue movement, precisely because it lacks any sort of overall outlook or program, must needs be trapped within the framework of traditional

"please, Mr. President" - pressure-politics; a multi-issue united front, on the other hand, bears at least the potential for a truly radical and all-encompassing movement of opposition to the workings of the corporate state.

Suffice it to say that, by the end of 1965, responsibility for the anti-war movement had devolved again upon SNCC and SDS. And, just when responsibility was again being thrust upon them, both SNCC and SDS were finding themselves, during 1966, at a crossroads; both found that they must take a decisive stand on internal disagreements that were beginning to paralyze their respective organizations. Both organizations faced their internal problems candidly and courageously in 1966; and, almost miraculously, both took a decisive and historic turn away from powerful holdovers of Old Left statism that were crippling their development. Both took a turn toward radicalism and toward liberty.

The SNCC turn was decisively toward black power and away from compulsory integration, thus transforming the entire thrust of the civil rights movement as it had existed for decades and embodied in such conservative-and-Old Left groups as the NAACP. This shift to black power is quite well known and needs little elaboration here (our views on the cry for power were expressed in an editorial in the Autumn, 1966 issue.) What needs to be added, however, is that Stokely Carmichael, dynamic young leader of SNCC, is following in the footsteps of the martyred Malcolm X not only in the concept of black nationalism but also in beginning to take steps toward internationalizing the Negro struggle. We stated in the Autumn issue that Negro nationalism, despite the low ratio of blacks to whites in the United States as a whole, makes a great deal of sense when we consider it to be concentrated in specific areas where Negroes do constitute a majority. But there is another way in which Negro nationalism can make practical sense by overcoming black minority status within the U. S.: and that is by internationalizing the struggle, by somehow transforming the arena of the conflict to the world scene as a whole, where whites, of course, are in a minority and the colored races in the majority. Malcolm's creative idea, in the last months of his life, was to internationalize by having the African nations bring U. S. segregation laws to the bar of world opinion in the United Nations; while UN resolutions would have been of minor importance, Malcolm's strategy might well have succeeded in pushing the African nations out of their current category of more or less

willing client states for U. S. imperialism. Malcolm, however, was struck down before he had a chance to try out this approach. Now Stokely Carmichael has begun to internationalize the struggle by forming an alliance with the Pro-Independence Movement of Puerto Rico: each group agreeing to oppose U. S. "colonialism" both at home--against Negroes and Puerto Ricans--and abroad, each agreeing to oppose the draft and the Vietnam War, as well as, restores independence to the island of Puerto Rico. SNCC has also moved toward wider international concerns by courageously agreeing to join in the Bertrand Russell War Crimes Tribunal, to bring American war crimes in Vietnam to the bar of world opinion, if not of world justice.

But if SNCC's admirable turn has received the full light of publicity, few people realize that SDS, a far larger organization, has also experienced a decisive turn this past year. SDS has always been in inner tension between two broad forces; on the one hand, an Old Guard, which, despite a great advance over older organizations, remains still at the core statist and Social Democrat, and whose ultimate goal in life is to join in cozy if critical coalition with the left-wing Liberals of the Democratic Party, as well as to fulfill the dogmatic Marxist dream of coalition with the supposedly radical "working class." In short, the goal of the Old Guard, after all the radicalism and participatory democracy and criticism of "corporate Liberalism" is said and done, is to reintegrate SDS into old-style coalition party and pressure-group politics, and hence to reintegrate the Movement back into the encompassing folds of the American System. The Old Guard has unfortunately had in its camp most of the articulate ideologists, and most of the scholars, in SDS. Hence the reason that SDS's Radical Education Project, an embodiment of those within the organization that have wanted to develop a groundwork of scholarship and research, quickly fell into the hands of the Old Guard. In contrast to the Old Guard have been the ever increasing numbers of younger and radical activists, scornful of Marxist or Social Democrat ideology and comfortable coalitionism, who, though often inchoately, are anti-statist and instinctively libertarian to the core of their being. It was due to Old Guard obstructionism that SDS, which had decided in the fall of 1965 to concentrate on a radical anti-draft program, suddenly abandoned the program and essentially did nothing during the first half of 1966. Despite the brilliant and inspiring leadership of Carl Oglesby, who had been elected as president over the Old Guard at the 1965 SDS convention, the Old Guard leadership was quickly taken into camp by

the U. S. government. These leaders were flown down to spend some time with a few of the august Liberals in Washington, after which they were happy to scuttle the most fundamental issue that any youth group must face in this country: the battle against the slavery of conscription. It was easy for these Old Guard leaders to become what the Establishment happily refers to as "responsible"; they had had the makings of "responsibility" (i.e. crooking the knee to Power) long before.

The ambiguities of the old SDS may be seen in its major theoretical document, the famous Port Huron Statement, adopted at SDS's founding convention at Port Huron, Michigan in June 1962. While an enormous advance over ADA-type Liberalism, the Port Huron Statement still contained considerable admixtures of Old Left thought. For example, the Port Huron Statement did not fully assimilate the decisive New Left insight of William Appleman Williams and the Studies on the Left group that Big Government as developed down through the New Deal and New Frontier, has not been a "progressive" instrument by which "the people" curbed and regulated Big Business. On the contrary, it has been precisely the instrument by which Big Business has been able to win for itself subsidies, privileges, and monopolies at the expense of the rest of the populace. At Port Huron, there was still the mistaken notion that government is essentially a people's instrument for checking big business, but that business has been able to keep that control weak--the nub of the Old Left position. And, in contrast to the recent insights of Gabriel Kolko, Big Business is deemed to be monopolistic largely out of market forces; it was little realized at Port Huron that business monopolies are created by government intervention in the economy. Thus, the Port Huron Statement talks of "the benign yet obscuring effects of the New Deal reforms"; it speaks of government regulation not as creating cartels but as "ratify (ing) industry policies or serv (ing) as pallatives at the margins of significant business activity"; it considers government fiscal and monetary policy not as inflationary exploitation of the mass of the people but as "minor" because "greatly limited by corporate veto"; it welcomes the federal highway program as "meeting the needs of people" rather than seeing it as a vast boondoggle and subsidy for the benefit of the automobile and oil interests; it fails completely to understand the essential imperialism and corporate statism involved in any foreign aid program; and it makes its obeisance to classical Marxism by avoiding the stark reality of our state-dominated world and affirming that: "the basic decision-making environment of society, the

basic structure of distribution and allocation . . . is still determined by major corporations . . . in comparative insulation from the public and its political representatives." ¹ Sic! Imagine the current SDS speaking in Establishment solemnity about the public's "representatives" in government!

Thus, despite its great achievements and even greater potential, SDS contained within itself ambiguities and contradictions which were bound to intensify and polarize as time went on. Fortunately, year after year the Old Guard got older and the new younger elements were far more radical and anti-statist than their predecessors. Finally, SDS came into crisis during 1966; for, masses of radical students had flocked in to SDS during 1965 in response to its taking the lead against the war in Vietnam, only to find the anti-war effort shrivelling. For now, in the first half of 1966, SDS had abandoned its own anti-draft program and was therefore effectively blocked from giving any leadership to the anti-war struggle.

A hopefully decisive moment for SDS came at its national convention at Clear Lake, Iowa in August, 1966. There, it was expected to elect an Old Guardsman as president. But the grass-roots members of SDS, many of them wearing "I Hate the State" buttons, decisively defeated the Old Guard and elected a slate of national officers sympathetic to their goals. It was the convention at Clear Lake that marked a signal repudiation of the Old Guard by SDS; in effect, it meant the sharp weakening of Social Democrat influence in the organization. The path was cleared for new directions, for new aims, for giving the radicals and libertarians their head.

This critical event went almost undetected at the time, partly because it all happened in such a diffuse and inchoate fashion that few people who were not close to the workings of SDS could decipher what was going on. Furthermore, SDS now had its new turn, but it was still only theoretical; the new stance had not yet been embodied in a concrete program. This concrete program came into being at the December 28 meeting of the National Council of SDS at Berkeley. There the promise of Clear Lake was fulfilled; and SDS decided, by an overwhelming vote of 53 to 10, to focus its activities on an all-out struggle against the draft. Introduced by vice-president Carl

1. The Port Huron Statement (New York: Students for a Democratic Society, 1964), pp. 14-17.

Davidson and ably backed by national secretary Greg Calvert and others, the anti-draft resolution, though slightly watered down from Davidson's original proposal, is one of the most superb resolutions ever passed by an anti-war opposition in this country. Thus, SDS declared "its opposition to conscription in any form. We maintain that all conscription is coercive and anti-democratic, and that it is used by the United States Government to oppress people in the United States and around the world." It also flatly opposed any Liberal attempts to "reform" this evil by such proposals as compulsory universal service or a draft lottery. SDS, moreover, in a true act of heroism, declared that it "encourages all young men to resist the draft." To that end, it has decided to: "organize unions of draft resisters" who "under no circumstances will allow themselves to be drafted." Soldiers already in the armed forces will be encouraged to oppose the war in Vietnam; as SDS puts it, "this is an effort to reach men who, within a system of involuntary servitude, are indoctrinated as well as isolated from open discussion." Information will be provided to those young draft resisters who decide to emigrate to Canada, and these will be encouraged to build international support for the draft resistance and anti-war movement. And on Vietnam, SDS declared its "opposition to the United States Government's immoral, illegal, and genocidal war against the Vietnamese people in their struggle for self-determination."²

The new orientation of SDS is incisively explained in a moving report by the new national secretary, Greg Calvert. Calvert explains that the new program on the draft:

does not talk about politics or the taking of power . . . It talks about "resistance." And finally, behind its rhetoric and its programmatic details, it talks about the only thing that has given life and creativity to "the movement." It talks about the kind of struggle which has been most meaningful to the new left--the revolutionary struggle which engages and claims the lives of those involved despite the seeming impossibility of revolutionary social change . . . It is the struggle . . . which says that "this is what a human being must do, no matter what the consequences,

2. "Anti-Draft Resolution," new left notes (January 13, 1967), p. 1.

because this is what it means to be a human being" -- "this is the struggle for freedom in our time" -- "this is the revolt of slaves against their masters" -- "this is what being a 'crazy nigger' meant in the South and what it now means in the North" -- "this is the first act of freedom."

One might dispute the political wisdom of the program. One may descry the lack of analysis. One may be appalled by the lack of direction. But unless one does not understand what it meant to be a "crazy nigger"

in a world of "good niggers", it is impossible to understand what has created and recreated the new radicalism . . . It is a subjective struggle for individual freedom and meaning thrust up against the "objective" world which denies freedom and self-realization. It offers no clear path to power, no magic formula for success, only struggle and a new life. No promise is made, only the hope that struggle and confrontation with the existing system of inhumanity will create freedom in the midst of a life-destroying society.

We can speculate endlessly about how draft resistance might end the war. However, only talking about how resisting the draft will change peoples' lives can create a draft-resistance movement. Call that "anarchistic", "personalistic", "religious", or "crazy" -- you will not have dealt with the reality which created the movement . . . SDS just simply was not interested in talking about organizational problems or about political analysis; it revealed its deepest concern in talking about what people can do with their lives . . . and with their bodies . . . What counts is that SDS be involved in the creation of a cutting-edge in the freedom struggle.

SDS, as a movement, is a wedge into American society. It is involved in the creation of what Carl Oglesby called "space" -- breathing space, living space, freedom space -- in a society which increasingly stifles freedom. Those who opposed the draft resistance program because they considered it "adventuristic" failed to understand the dynamic of "movement sensitivity." If the wedge is to continue to create more and more space in the society, then we cannot recoil from those areas of greatest tension where the risks are most dangerous. We were once desperate: "Trapped in a System." The movement has begun to pry open the jaws of that trap. The necessity which we must

deal with involves keeping up the pressure on that trap until it is finally sprung. In the process, new life, new hope, and new freedom are created, --but, above all, it engages the lives of people in new ways and that's how revolutionary cadres are built.

Two years ago, Lee Webb and Paul Booth urged SDS to move "From Protest to Politics." Now SDS has moved from "Protest to Resistance." 3

We can only stand in awe and admiration at the clear-sightedness, the gallantry, and the astonishing courage of the kids of SDS. But where, for the sake of all that is holy, are the adults? Must we always endure an America where the adults abandon their youthful radical vision in exchange for a comfortable and even prestigious seat at the trough? Are there none to dare, and dare mightily? If we had adults with one-tenth of the courage of SDS, we would be well on the way to achieving that free society that America always boasts of being.

One basic flaw remains which might imperil the success of the new turn: the fact that the overwhelming majority of the scholars and ideologists of SDS are Old Guardsmen who will struggle to return to the old paths. The problem will be particularly acute should SDS, as seems likely, attempt another overall theoretical statement of its views. If the radical kids at the grassroots leave ideology in disgust to the Old Guard, they might well find SDS shifting state-ward without their realizing it. The hostility to ideology per se at the grassroots is easy to understand; but it is vital for the radical kids at SDS to realize that not all ideology, not all theory, is a call for centralized control over the individual. There is a theory of liberty, a theory at the very least as solid and well-grounded as the various ideologies of statism. The crucial problem of today is to discover that body of theory and to make it known.

3. Greg Calvert, "From Protest to Resistance", *ibid.*, p. 1.

Ronald Reagan

As Educator

For two years we have been instructed by the radical opposition at Berkeley on the evils of the swollen and gigantic multiversity that constitutes the University of California: the vast bureaucracy, the impersonality, the emphasis on quantity, the use of the multiversity to process swelling numbers of students into the military-industrial complex. All these stem from two root causes: the burgeoning of mass, indeed almost universal, education, and the development of governmental colleges. If the government educates, it is bound to educate for its goals and indoctrinate in its values. Now, Governor Reagan, in his first acts in office in California, has taken two important steps toward the dismantling, or at least the whittling down, of this elephantine growth: the dramatic slashing of the University of California budget, and the firing of the theoretician of the multiversity himself, Clark Kerr. Also, Reagan has moved to require the university to charge some tuition; most people consider this a terribly "reactionary" step, but what is so terrible about moving some of the burden for paying for education from the backs of the California taxpayers and on to the students themselves? It is an odd construction of the terms "progressive" and "humanitarian" to load the expenses of education onto to those who are not getting its often dubious benefits, and to allow the university students to enjoy these benefits while loading the costs onto others. What is progressive about that? Furthermore, charging

tuition will help to reduce that selfsame swollen educational Leviathan which we all have been attacking for the last several years.

This brings us to the proper reaction to Governor Reagan's blitz attack against the University of California. For those who have really been opposed to the multiversity, to Clark Kerr and the proliferation of bureaucracy, there is only one answer: to hail the Reagan moves and to cheer the ouster of Kerr. The fact that Ronald Reagan is manifestly not an eminent educator, or the fact that his ouster of Kerr was prompted by Kerr's being "too weak" on the Berkeley radicals, is beside the point. The point is that these particular actions are in themselves healthy and even liberating, and therefore should be supported.

The reaction of the Liberals is interesting if predictable. Liberals are nothing if not smugly content with the American System, but let their cozy privileges and perquisites be in the slightest bit threatened, and they begin to howl like banshees. Hence, the nationwide instant hysteria by the Liberals about the ouster of Kerr, and the mobilizing of Establishmenty students and faculty, who again find common ground in defending centrist privileges against the bogey of the Ultra-Right. The important thing is that the New Left not get suckered into defending the privileges of Liberals in the name of the old coalitionist mythology of combatting the menace from the Ultra-Right. There is danger in not remembering, over and over again, the great lesson that has been painfully won over the years: "all right we are two nations" (in the immortal words of the early Dos Passos), and the Liberals are on the other side. In fact, there is good ground for holding that the Liberals are the major Enemy. To allow ourselves to get drawn in to a pro-Kerr coalition would be to abandon all the insights of recent years and to surrender to all the ills of the multiversity.

There is one Liberal argument which needs to be speared here and now: that the Reagan move to oust Kerr means the introduction of that terrible thing, "politics", into the university. The point is that as soon as one builds a government university, politics is already there and cannot be eliminated: for it is the government that collects taxes from the citizens to pay for its operations. To "eliminate politics" from governmental universities means to eliminate any influence by the politicians who are at least in some degree responsive to the views of the voters, and to turn their control over to a self-selected oligarchy of Liberal educa-

tionists who do not have to be in any sense responsive to the wishes of the people. Given the unfortunate existence of governmental universities, there is no ideal solution; the best or rather, the least bad, way to operate in that case is to allow control by those who are at least responsive to the desires of the taxpaying public.

One of the pro-Kerr Regents, emerging from the session that ousted Kerr, complained bitterly that this was a happy day for both the "extreme right" and the "extreme left". In saying this, the Liberal Regent caught hold of a profound truth: that the realities of the present day more and more require a coalition, even a fusing, of these two "extremes". For both of these extremes have caught hold of part of the total truth about our society, and both of them can blend, far more easily than is generally believed, into a common assault upon the Totalitarian Center, upon that "menace" that is not, like the bogeys of the Ultra-Left and Ultra-Right, a phantom potential of some far-off future, but the group that is oppressing all of us, right here and now.

IS THERE A NAZI THREAT?

World War II has been aptly termed the Liberals' War. More than that, it was the Old Left's War, in which the entire Liberal spectrum, from proto-ADA types grouped in the Union for Democratic Action on the Right to the Communist Party on the Left, happily banded together to take their fighting places in the serried ranks of U. S. imperialism. Present-day peaceniks were proud to serve as Majors in the Field Artillery, as heads of the U. S. Army Orientation program to indoctrinate new recruits on the glories of America's world mission, and as high officials in the War Production Board. It was the glorious high point of the Old Left's cherished policy of what Staughton Lynd has trenchantly called "coalition with the Marines." Your typical Old Leftist was not only apt to be in coalition with the Marines; he was even likely to have enlisted in that notoriously freedom-spreading wing of America's armed personnel. The Old Leftist is apt to look back on his World War II experience as the high point in his checkered career; for then, as in no other time before or since, he was in the broad mainstream, arm-in-arm with Rockefeller agents, J. P. Morgan partners, and A. F. of L. bosses, taking us all onward and upward toward the New Tomorrow and the Century of the Common Man.

Essential toward this kind of a really broad coalition is, of course, the existence of a Nazi Threat, the more threatening and glowering the better, and the Old Left has been wont to look back wistfully on the Good Old Days of the Nazi Menace and to yearn hopefully for its

renaissance. And so the Old Left periodically pokes around in the embers of the Nazi past, trying desperately to discover a recrudescence of the Enemy long gone.

The current white hope for a Nazi threat is the latest political events in West Germany. Onstage: the new Chancellor, Kurt Georg Kiesinger, an authentic former member of the National Socialist Party, who edifyingly informs us that, from the very beginning, he did, down deep in his heart, oppose the whole system. And then: off in the wings, like a cloud so far no bigger than a man's hand, the new National Democratic Party, which scored some successes in the recent West German elections. This party, we are assured by everyone, is "neo-Nazi." Here we have the basic ingredients for a new anti-German and anti-Nazi mixture with which the Old Left will try manfully to revive the heady anti-Nazi coalition of yore.

The big problem with this Old Left approach is similar to its grievous error on the home front, where the Old Left is always looking to revive a very broad domestic coalition against the menace of the Ultra-Right, which can often be tenuously linked together with the foreign, German foe. It is the same problem that the Ultra-Right suffers from in its perpetual worry about a Communist Menace lurking under the bed and around the corner. That problem is that while the eye is fixed on some far-off, tenuous, and insignificant Menace, the real Menace is right here, and running the whole show. In short, the real problem is not some far-off Threat, but the people who are ruling and oppressing us right here and now. Whether it is a Communist Menace or an Ultra-Right Menace or a Nazi Menace we are all supposed to band together to prevent, it is the very people we are asked to rally behind who are our real enemies. Often, of course, our ruling classes are happy and eager to foster the myth of the far-off menace, precisely because our rallying behind them distracts us from the real Enemy and enormously cements their power. This is the true meaning of all Popular Fronts with existing governmental rulers, of all Coalitions with the Marines, whether against Right-Wing or Left-Wing Threats.

The brilliant libertarian journalist Gareth Garrett put it all very well thirty years ago when he wrote: "There are those who still think they are holding the pass against a revolution that may be coming up the road. But they are gazing in the wrong direction. The revolution is

behind them.”¹ By “revolution” Garrett meant the New Deal, or, more widely, the great shift in the locus of power in America from the people, i. e., from a largely free market and free society, to the apparatus of the Leviathan State. Our task is not to guard the pass against some form of threat coming up the road; our task is to organize and do something about a “threat” that long ago succeeded all too well, succeeded in foisting upon America a corporate-state. Our problem is to dismantle our own existing imperial Behemoth.

What, then, of West Germany? The problem there is not whether Chancellor Kiesinger is a very appetizing specimen; clearly he is not. The real problem is that West Germany, especially now that France has been displaying a keen and manly independence, is U. S. imperialism's most pliant and powerful tool in all of Europe. West Germany, our former enemy, is the linchpin of America's structure in Europe; let West Germany go, and America's imperial position there would become untenable. This is the really important question: not whether or not West Germany's rulers were Nazi party enthusiasts thirty years ago, but whether or not they are willing tools of American imperialism here and now. Of course, the tool can become a dangerous and ultra-imperialist force on its own hook: a Syngman Rhee can drive North, a Marshall Ky can call for invading North Vietnam, a West German finger on the nuclear trigger could force us to support a war of revanche for lost German territories in East Europe. But the important point is that West Germany has been hand-in-glove with U. S. imperialism since the end of World War II; and the vital goal for anti-imperialists is to split West Germany off from the American grip and to have it seek accomodation with the East rather than reunion through a war of “liberation.”

The important reality about West Germany is that, in the last several years, a danger has arisen to its role as right bower of American imperialism and mainstay of the Cold War in Europe. For the vast, sprawling Christian Democratic Party had lost its absolute majority in the German parliament, and the balance of power in West Germany between the Christian Democrats and Social Democrats had been held for the past several years by the unsung but extremely significant Free Democratic

1. Garet Garrett, “The Revolution Was,” in The People's Pottage (Caldwell, Id.,: The Caxton Printers, 1953), p. 15.

Party. The Free Democrats have been a quasi-libertarian party in many ways corresponding to the Left-Right tendency in this country; for the Free Democrats, like the Taft Republicans of an olden day, have been in favor of free enterprise, low budgets, and a peaceful foreign policy. With the outlawing of all Left parties in that bastion of the "free world", the Free Democrats have become the only hope that Germany might leave the path of war and U. S. imperialism and pursue a peaceful, independent role in Europe.

The ascendancy of the Free Democrats as the swing party precipitated the ouster of the fanatically war-mongering Konrad Adenauer, whom the Free Democrats steadfastly refused to support, and his replacement by the centrist moderate Ludwig Erhard. More importantly, this meant the rise to the Foreign Ministry of Gerhard Schroeder, the leader of the pro-peace wing of the Christian Democrats and a man well-liked by the Free Democracy. In 1966, Erhard drove the Free Democrats to break off their support by two anti-libertarian actions: the raising of taxes, and use of these taxes to pay for the occupation armies of imperialism. The Free Democrat breakaway and the consequent fall of Erhard presented West Germany with two choices: one, a Social Democrat-Free Democrat coalition based on a peaceful foreign policy and a shift away from American imperialism; or two, a sinister "Grand Coalition" between the Christian Democrats and Social Democrats behind the pro-war stance of the Adenauer-Strauss wing of the Christian Democrat party. The Christian Democrats, propelled by Adenauer and Strauss who had long yearned for the crushing of the Free Democrats, proffered the Grand Coalition; and the spineless Social Democrats, turning down the chance to head the German government for the first time since the war, accepted the proposition. Germany is now ruled jointly by its two major parties, which has the same implications for democracy as if the Democrats and Republicans were to join in a formal coalition to govern the country. It is true that we are not so very far from this right now; our much-vaunted two-party system is always close to an ideal fusion into a frank and open one-party dictatorship. But the point is that open one-party rule means the abandonment of even the formal trappings of democracy, and that this has been accomplished without a single iota of criticism from America's vaunted free press. Not only criticism; there was hardly mention of the fact that all this was done in order to end the influence of the Free Democrats and

to eliminate their powerful threat to American hegemony over West Germany.

The big "threat", then, is not the phantasm of a West German conquest of the United States; the real problem is the continuing American rule over West Germany. It is within that context that we must see the recent beginnings of the National Democratic Party in Germany. The significance of this party is not so much its "neo-Nazi" trappings, as that it, like the Free Democrats, offers the Germans a foreign policy independent of American dictation. Neither the National Democrats nor even Kurt Kiesinger constitutes the real German problem; that problem is the smashing of the Grand Coalition that rules West Germany today.

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LIBERALISM AND THE CIA

In the wake of the scandal of the NSA, several points need to be highlighted. In the first place, let all attacks cease forevermore on those of us who hold what has been universally smeared as the "conspiracy theory of history": i. e., on those of us who believe in the laws of cause and effect, who believe that men do not act purposelessly and without motive, and who believe in using our intellects to trace connections and frame hypotheses in analyzing the world and not merely to record officially proclaimed events. Secondly, let all attacks cease upon the "paranoia" of radicals; who's "paranoid" now?

Even more profoundly, the NSA scandal provides illuminating and unforgettable insights into the workings of Liberalism as well as the workings of contemporary American society. For example: the NSA leadership had decided two years ago to terminate the huge secret subsidies from the CIA because this was repugnant to "an open democratic society"; yet the subsidies were still being used when the scandal broke because, after all, "the CIA was financing a considerable portion of the association's overseas activities and these could not be dropped suddenly."¹ Certainly not! Despite the supposed yearnings for an "open democratic society", the NSA leaders did not, of course, reveal the sordid story to the American public; instead, they were extremely anguished when the courageous

1. New York Times, February 15, 1967, p. 18.

and indefatigable Ramparts magazine decided to break the story. For: "our whole credibility has been based on the image that we are independent and left liberals. Now everything we do or have done will be tainted whether we're guilty or not." Yes, isn't that a crying shame? And the topper: "they expressed fears that it (the Ramparts story) would harm the liberal enlightened wing of the CIA and destroy NSA."

So here we have it! The "liberal enlightened wing of the CIA" indeed! Here is the mentality of coalitionist Old Left Liberalism stripped bare and blazing in all of its glory. This is the same mentality that would, if the Nazis were now in power, look to strengthen the "liberal" wing of Nazis under Goering so that bad old Goebbels or Streicher wouldn't receive too much power. This is the same mentality that would immediately search for the "moderates" in Murder, Incorporated. The logic of Liberalism is pushed to its inexorable and shameless conclusion.

Such, then, is the face of Liberalism nakedly revealed for all to see. Here are men--and youths--willing, just as the Egg of Head was depicted in Barbara Garson's brilliant MacBird, to accept any conditions in exchange for working within the corridors of Power. Here are men whining in terms of liberal rhetoric about the open society while they accept covert handouts and domination from America's hired gang of patriotic thugs. And, when found out, worried about their "image" and "credibility" and about the poor "liberal" wing of the CIA! Sheldon Sachs, president of the student government at the City College of New York, expressed not only the Liberal creed but the larger American Credo as well; in commenting on the affair he called it "grossly exaggerated": "The funds have to come from somewhere." Yes, don't they?

Also illuminating is the revelation of the role of supposedly private and independent and charitable tax-exempt foundations in serving as covert conduits for CIA money. This sort of thing needs extensive investigation; part of it was revealed a few years ago in the pioneering work The Invisible Government, by David Wise and Thomas Ross, but obviously this was only the beginning of study of the problem.

Above all, let us carry away from this affair the insight that, to put it baldly and bluntly, Liberalism is, in essence, a front for the CIA!

The

Last Indian War

*By Janet McCloud And Robert Casey**

The Indians of the Pacific Northwest are engaged in what may well be called the last Indian war. They are taking a stand against the never-ending encroachment and aggression of their white neighbors within the states of Washington, Oregon, and Idaho. The Indians' fishing stations on the rivers of those three states are coveted by powerful politically-minded sportsmens' groups, who are pushing the State officials to get the Indians off the rivers.

Along the banks of the Nisqually River the spotlight is focused upon a band of pathetically outnumbered Indians who are waging a series of bitter and bloody battles against the police power of the State of Washington. Equally small bands of Indians are springing up all over Washington State to fight for the last shred of the rights guaranteed to them through numerous treaties with the United States Government.

Governor Dan Evans, one of the nationally publicized new faces of the Republican Party, is brutally wielding the police power of this state in an effort to force the Indian people into submissive compliance with his demand

* Robert Casey is a journalist; Janet McCloud is editor of the newspaper of the Survival of American Indians Association.

that the Indians give up their fishing stations for the exclusive use of the sportsmen.

It all began in 1854, when the President of the United States sent his official emissary--Isaac Stevens--to negotiate treaties with the Northwest Indians in behalf of the federal government. (Actually, his mission was to spread a thin layer of legality over the theft of Indian land, which was already occurring in the Oregon Territory as it had everywhere else in the country.) It was necessary to do this prior to the granting of statehood to Washington and Oregon, for no state constitution can be formed, or any legal foundation arrived at, until title to the land is securely vested in the hands of the federal government. Americans have always displayed a fine hand for legality--no matter how you steal a thing, in the end make it look legal.

These negotiations followed the usual pattern of making treaties with the unlettered Indians, a blanket take-it-or-leave-it choice. The whites drew up the so-called sacred documents and used interpreters to give the Indians an entirely different version of the treaties, which needed the Indians' signatures to make them legal and binding.

In the Oregon Territory on December 26, 1954, the first treaty was negotiated on the banks of the Medicine Creek with the Nisqually, Squaxin, Puyallup and allied tribes. The Indians protestingly gave up their homelands--millions of acres, today worth billions of dollars. They were allowed to reserve a small reservation to live upon, more for the purpose of isolating the Indians than as a concession. When the Indians learned that they were going to be confined they became very worried, for these were fisher-people and nomadic in their fishing habits. Stevens assured them over and over that he wanted only the land; he further stated that all the fish and game belonged to the Indians, and would belong to them forever. The right to fish was more important to these northeast Indians than the land. The Indians reserved their fishing rights unrestricted.

The current assault on the Indians who are living a way of life that is natural to them was legally triggered by an injunction prohibiting Indians from fishing in their ancestral fishing stations. Judge John Cochran, Pierce County Superior Court, Tacoma, set aside the hundred-year-old treaty commitment of the federal government and forbade Indians to fish on the Nisqually River in Washington

State. This was done at the behest of the state's Game and Fisheries Departments, which in turn are carrying out Governor Evans' program.

It is extremely questionable whether any state judge has the legal power to set aside or nullify a treaty drawn up between the federal government and the "Indian Nations" (so designated in the language of the treaty itself, which was written solely by the whites and upon which the very foundation of Washington statehood is based). Legally only an act of Congress can revoke treaty obligations and commitments, but the letter of the law never seems to apply to Indian land and rights as it does to others. (To illustrate: just imagine the furor that Governor Evans would create if he took the same attitude to the treaty commitments the federal government has made to various Saigon regimes, as they applied to the State of Washington.)

Following this injunction a series of clashes occurred between the protesting Indians and the state wardens. To cite a few of the most notable ones: On October 7, 1965, two Indian fishermen, Billy Frank and Alvin Bridges, were tending their nets when state wardens came up the Nisqually River in a big power boat and rammed their frail canoe without any warning. It was a dark, rainy night. One of the fishermen was spilled into the ice-cold, dangerous river. Fortunately, despite being dressed in heavy winter gear he made it safely to shore -- right into the arms of wardens waiting there.

The next clash was more serious. On October 9, 1965, also late at night, wardens cornered two teenage boys on a log jam in the middle of the Nisqually River. Word flew out somehow, and the Nisquallies came flying from every direction. The wardens were now the cornered ones, and the enraged Indians would not let them go. Fights erupted everywhere. Indian warcries cut through the still night air, causing the wardens to suffer paroxysms of fear. They sent out a frightened call for reinforcements. Before the night was over every available unit of the Thurston County Sheriff's office, the Pierce County Sheriff's office, the Fort Lewis Military Police and Governor Evans' newly formed and specially trained State Troopers was at the scene. Some cars were busted up as well as some people. Finally Thurston County Sheriff Clarence Van Allen, long a friend to the Indians, talked them into calling it a stalemate. The police withdrew, and no Indians were arrested. However, the wardens did get away with an

Indian's canoe, allegedly to use as court evidence. Though no one was arrested and no court case came of the incident, the canoe still has not been returned.

Then on October 13, 1965, the Survival of American Indians Association held a protest fish-in on the Nisqually River. It was highly publicized and was intended as a protest to the continued night raids of the state wardens against the Nisqually Indians. Fish-ins had been used in the past by Indians as their way of protesting the State's encroachment on their treaty fishing rights. It has been a peaceful way to vent the Indian's growing bitterness and hostility at the whites' never-ending invasion of their land and rights. That ended on October 13! Those who volunteer to go fishing in violation of the court injunction usually end up sitting in jail. Their purpose is to try to obtain a writ of habeas corpus from a higher court, as this is the cheapest, tho the hardest, way to overturn a lower-court ruling. It is the only way that these poverty-stricken Indians can go. To this date the higher courts of Washington have flatly refused even to hear these writs--another violation of their court rules.

The October 13th fish-in turned into the bloodiest conflict of all, due to the sadistic actions of the wardens and their very evident hatred of the Indians. This battle took place at Frank's Landing, which is Federal trust land, posted with NO TRESPASSING signs as required by the Federal Trespass Law. Local news media sent their photographers and reporters to cover the story. Interested organizations sent their qualified representatives to observe the fish-in demonstration. The cameramen set up their equipment long before the fish-in was scheduled to begin. State wardens watched impassively from behind bushes on the other side of the river, the exact number of their forces well hidden from the Indians and non-Indian observers. There were about twenty-seven Indians, eight of them men and the rest women and children; there were more reporters than Indians. Later it was learned that the State's forces consisted of about 100 strong; game and fisheries wardens had been called in from all over the state, and Governor Evans' special unit of the State Patrol was waiting about a half mile from the scene, with all the weapons of war to use against the unsuspecting Indians.

The Indians' boat contained eight occupants: two Indian fishermen, Donald McCloud and Alvin Bridges; one teenage boy, Doriën Sanchez; two boys under ten years of age,

Don McCloud, Jr. and Jeffrey McCloud; the family dog, Tex; and three newspapermen. At the preannounced time the boat proceeded out on the Nisqually River, and the Indian fishermen set their net. From the other side of the river shouts were heard: "Get em!" "Get the dirty S. O. B.'s!" In the twinkling of an eye, three big powerboats emerged from the underbrush, were quickly launched and used to ram the Indians' boat. No attempt was made to secure peaceful arrests, and at no time during the entire riot, which lasted only twenty minutes, were the Indians told that they were under arrest.

The Indians on the beach, now thoroughly incensed at the actions of the State wardens who had turned their intended peaceful demonstration into an excuse to beat up and terrorize the Indians, began pelting the State's forces with anything they could lay their hands on. A large force of wardens, who had been hiding on the Indians' side of the river, then closed in on the Indians, and the fighting became general. The Indians, tho badly outnumbered, gave a good accounting of themselves--even the children.

After the dust cleared, six Indians found themselves under arrest, charged with resisting arrest. (Alvin Bridges, 41, and his wife Maiselle, 41; Don McCloud, 39, and his wife Janet, 31; Susan Satiacum, 23; and Don George, Jr.) In the squad cars the fighting continued, but here the newsmen were kept away and could verify nothing. When one of the women was questioned after her release she said, "The way they were acting, we were afraid they were going to take us somewhere and kill us. They can do anything they want to, because they wear a badge."

Later that evening there was another clash on the Nisqually River banks. Two more Indians were arrested, Joe Kautz and Harold Gleason. Small boys were hauled in, but Sheriff Van Allen refused to book them, and they were released and sent home. Indian mothers and fathers looked far into the night for their young boys, who were hiding in the woods from the now drunken wardens (they had been celebrating their victory) who were chasing Indian boys with pistols and clubs. One of the guns was knocked out of a warden's hand by a young Indian. A search was conducted until it was found; according to Washington state law, wardens are not allowed to carry firearms.

The State's actions were directed by Walter Neubrich, game director, and Robert Josephson, fisheries director.

Later Mr. Neubrich proudly told the reporters, "Our men are not trained in riot control, but I was sure proud of the way they handled this."

Thor Tollefson, State Fisheries Director, had told newsmen before the fish-in that "no unusual law-enforcement measures were to be used against the Indians." Therefore everyone assumed that the wardens would take down the Indians' names and ask the local judge to issue warrants, with the actual arrests to be made by the sheriff's department; this was the way it had been done in the past.

The next day, fully aware of the improper procedure of his departments, Governor Evans told the worried public that the entire blame was due "to the irresponsible elements of the Indian population"; he further stated, "The Indian treaty is nothing but a worthless piece of hundred-year old paper and it isn't even worth the paper it's written on."

Fortunately for the Indians, the battle was well watched and photographed by a small army of competent observers. They told of the arrival of a large force of wardens, carrying nightsticks, long seven-inch flashlights (totally unnecessary in the bright sunlight, but a formidable weapon well known to them) and at least one blackjack, which the Indians got away from them.

State Representative Hal Wolfe of Yelm, a Republican, arrived on the scene after the Indians had been taken to jail. After he had talked to the crying and bruised children, he immediately went to the jail to find out what had happened. He told the press, "Governor Evans assured me that no on-the-spot arrests were going to take place. Frank's Landing has been used as a fishing site by the local Indians for as long as I can remember. I'm not sure, but in my mind Gestapo methods were used against the Indians today."

Parris Emery, a 69-year-old television cameraman, was one of the few to be in a good position to take pictures of the riot. He obtained good shots of two young Indian boys being systematically worked over by wardens; when the wardens spotted Emery photographing them, they turned on him, knocking him around, twisting his arms, and trying to break his camera. They did succeed in dumping him into the river, but he saved his film. It was Emery's unedited film that was seen nationwide.

Another newsman, Darrel Houston of KIXI Radio, was threatened with arrest by Ed Sarardov, fisheries warden,

when Houston attempted to get the name of an officer who was seen striking an Indian boy with a steel pipe. This warden officer refused to remove his hand from his jacket pocket, when surrounded by newsmen and witnesses demanding to see what he had concealed. One witness, however, did get movie film of this incident, and another got pictures of the same warden hitting an Indian girl in the mouth and pulling her long hair. The girl was Valerie Bridges, who was trying to help her mother Maiselle. Other children displayed marks that were obviously made by something harder than a man's fist. While an arrested Indian was being held by two wardens, another officer was seen striking him in the small of the back with his nightstick, but when a photographer tried to get a picture of this the wardens forcefully stopped his efforts.

One bystander, after watching the brutal manhandling of women and children, told a reporter, "I think I'll go home and throw up."

Two men from the Bureau of Indian Affairs (which is universally hated--despised--by the Indians) were seen sitting in their car, a safe distance from the scene. When questioned by reporters, they refused to give their names, stating, "We've been instructed not to get involved." They were identified by the Indians and by one reporter as A. G. Risswick and Charles B. Allen. They had talked to Janet McCloud before the fish-in began, and had asked her to take pictures of everything for them. They said that they had been sent by their superiors to observe. Later they tried to get statements from the Indians, but the Indians refused to give them any because they were furious at the cowardly actions of these federal officers. An Indian told them, "You were sent here to watch and you were too scared to get out of your car; why should we do your job that you're getting paid to do?"

Even the later encounter that evening was witnessed by a capable observer. Dr. Evan Roberts, Jr., of the American Friends Service Committee came to try to learn more of the day's events. He went with some of the Indian parents who were worriedly looking for their young boys. When he arrived at the scene where the night battle was taking place, he was hit in the stomach with a nightstick and told by state officials that he had no right to be present. The Quaker doctor stuck to his position that he had every right to be present. After he had taken in the scene, which was lit up by the wardens' flashlights, he told of wardens flashing pistols around and of smelling alcohol on some of the wardens' breath. He accused them outright of being

intoxicated; he told them he was a doctor and therefore an expert on the subject. Later he made a statement to the press and a report to Governor Evans.

In another sworn statement, a qualified observer said, "They were like animals that smell blood. Their whole treatment of the Indians was cold, premeditated and cruel, whereas the Indians' reaction was normal, in the face of a situation where their legal test was being used as an excuse to terrorize them."

This statement pinpoints the basic difference between the current Negro revolt and the ever-continuing Indian struggle.

The Negro faces discrimination which sometimes turns into race hatred as he struggles for assimilation. The Indian on the other hand has always faced unreasoning race hatred from the very first. Indians fight desperately to retain an Indian way of life in the face of all the forced assimilation policies of the United States government. In fact, they despise much of the white culture and the values of an avaricious and aggressive white society.

While the fishing war simmered on the banks of the Washington rivers, the legal machinery in the courts continued to grind. In Tacoma five Indians were convicted for illegal fishing and were sentenced to sixty days, suspended on condition they abide by the court injunction. In Olympia the same afternoon six Indians pleaded not guilty to a charge of interfering with a police officer in the performance of his duty.

On October 26, 1965, in Seattle, the embattled western Washington Indians staged a protest march in front of the Federal Court House. Only about fifty people turned out for the march, which had been widely publicized. The Stillaguamish tribe sent a banner, and a few eastern Washington Indians were present. (Once more the total absence of liberal, progressive, or left-wing whites underlined the basic difference between an Indian demonstration and a Negro demonstration--whites simply do not support the Indians' struggle; they all, whether left or right, reside upon Indian land, and they don't intend to return any part of that land or to make restitution.) The marchers passed out pamphlets explaining their just cause, to all who would accept them. Their flyer contended that the Washington officials, in their persecution of the Indians, were violating the United States Constitution, existing federal laws, and also the Washington State Constitution and existing state laws. It went on to accuse the state's

game and fisheries departments of deliberately enacting fish-conservation laws which are at variance with existing federal treaties and therefore unconstitutional.

Reuben Wright, a dedicated tribal council leader of the Puyallup tribe, was doing a sixty-day jail sentence for contempt of court in violating the fishing injunction. In the same jail on the same charge was the controversial self-styled chief, Bob Satiacum. Both of these Indians had been volunteers at an earlier fish-in demonstration on the Puyallup River, which had been led by the wellknown movie star Marlon Brando, who had come to the state with the National Indian Youth Council. Brando was not arrested for his fishing activities, but later many Indians were. Mrs. Reuben (Elaine) Wright and her six children and Mrs. Bob (Susan) Satiacum and her children led the marching demonstration at the Federal Court House in Seattle.

The Bureau of Indian Affairs then announced that only the federal government had legal power to regulate the Indians' treaty fishing rights, although all three major parties involved in the dispute (the Indians, the states, and the federal government) now said that they would welcome an early ruling by the US Supreme Court. That is what the Indians have wanted all along.

The Indian people have always known that it is not their fishing activities that cause the dwindling of the salmon supply. They have stated over and over that the cause is the evils attendant on white society. The Indian people account for less than 1% of the total salmon catch. To understand the causes of depletion, it is necessary to take into account the entire life cycle, from the time the spawned salmon eggs hatch and the fish leave for their long journey to the arctic icecap, til they finally come back to their native riverbeds to spawn. The salmon fingerlings that start down the rivers face many dangers, both civilized and natural. Industrial water pollution, hydroelectric dam turbines, irrigation silts, trout season, and natural predators are just a few of the causes of salmon fingerling depletion. There is an immediate need to eliminate or to control more effectively the civilized causes of salmon depletion instead of pointing an accusing finger at foreign fishing nations and American Indians.

When and if the salmon reach their destination and maturity, they start their long, perilous journey home. As the salmon leave their comparatively safe refuge under the arctic icecap, the first danger they encounter is the never-ending maze of international fishing nets. The big commercial fishing nations

are the United States, the Soviet Union, Canada, Japan, and Norway. What salmon survive to reach Puget Sound waters are followed by the Americans who take another large number of them. The salmon, tired and hungry, are unfair prey for the baited hooks of sportsmen, whose boats literally blot out the waters of Puget Sound.

Finally, the survivors reach the mouth of their native river, where they become rejuvenated by the fresh water. (Indians say that they become like intoxicated people, full of fight and power.) The salmon's instincts and perceptions are sharpened--an Indian fishnet does not last for long, for in the salmon's fight for survival they can easily break the strongest net, and those that follow go thru the holes.

The salmon travel a roadway in the rivers, which of course cannot be seen; yet if the Indians cannot find this roadway they cannot catch even one fish. It is a hard struggle for the majority of Indian fishermen to earn a decent living at their much-loved occupation. The few fish that survive to reach the Indians' fishing stations are either too strong to be caught, or too puny (colloquially, the condition of salmon weakened, battered and emaciated from their journey, as they near the spawning grounds where their lives will end--editor's note) to sell for food fish. It is indeed a struggle for survival for both the salmon and the American Indians.

Nevertheless, it is a fact that the Indian people have never been despoilers of nature; they are the first and original conservationists. They have never contended that there is no need for stringent conservation laws, for they realize that non-Indians do not seem to understand the need to obey Nature's conservation laws. As the Washington Fisheries Department is under the control of the large fishing industries and the Washington Game Department is under the control of the large, politically-minded sportsmen's clubs, the Indians have a just fear of being placed under their control. For it would in no way assure the survival of the salmon--all it would accomplish is the destruction of the Indian fishing industry, which has been in active existence for 800 known years.

On November 4th, a jury deadlocked over Chester Satiacum's trial in Tacoma for illegal fishing. The foreman told reporters that after three hours of deliberation there were still some "who said they would be willing to hold out for a week if necessary". The Puyallup Indian was freed.

On November 9th Mrs. Chester Satiacum was given a thirty-day suspended sentence for illegal fishing. She did

not have funds for an attorney and had to speak for herself. Attorneys are hard to find who will take the Indians' fishing battle, because too much pressure is brought on them by the State.

In November the Survival of American Indians Association staged another fish-in on the Nisqually River. While some fifty Indians cheered them from the beach, Don Matheson, Survival Association president, Janet McCloud, woman warrior, and Alvin Bridges entered a boat and went fishing. Again State wardens were on the other side of the river, but this time they did not interfere. As before, the event had been well publicized. When Governor Evans was questioned by reporters on what action he intended to take, he stated, "There aren't any fish in the river this time of the year anyway". So the Indians took particular delight in displaying their net full of fish. (At the October 13th fish-in, the net that the Indians tried to set was not capable of catching fish, as it had no leadline.) Among the observers this time were two Episcopalian clergymen, a college professor, and for the first time some Negro sympathizers--who didn't permit anyone to doubt whose side they were on.

On December 7th the Survival of American Indians Association secured the services of Mr. Jack Tanner to represent them in court. Sisters-in-law Clara and Susan Satiacum (wives of Chester and Bob Satiacum) were found guilty of a series of charges stemming from a wild boat ride on the Puyallup River on September 21st. The two young Indian women had led eighteen Tacoma police a frenzied race, for an hour and a half, up and down the river before they were finally cornered and arrested--and roughed up by the police. Susan wore the marks from the handcuffs for a long time. The judge sentenced them to sixty days and thirty days respectively. Mr. Tanner immediately gave notice of appeal and they were released on bond.

On January 29th the angry and embittered Indians held a night rally at Frank's Landing. It was really more of a war party. This time over two hundred Indians attended, and about fifty non-Indians, though the weather was rainy and cold. Indian leaders from all over the state spoke over a loud-speaker and protested the Gestapo actions of Governor Dan Evans' departments. This all took place around a huge bonfire--the light from the fire could be seen for miles. A large party of Indian war dancers came from the Yakima tribe, led by Alex Wesley. Don Matheson introduced the speakers, who included Bob Satiacum of the Puyallup tribe, Janet McCloud, of the Tulalip, Frank Allen of the Stillaguamish, and many more. Satiacum likened Evans to Hitler

and his methods used against the Jewish people. Mrs. McCloud told the crowd that they intended to burn Governor Evans in effigy because of the way "he unleashed the police power of this state to come down on us like a bunch of mad dogs". The climax of the demonstration came when the Yakima did an authentic war dance around the fire and two young Indian girls threw a lifesize effigy of Governor Evans into the flames, while the Indians cheered and emitted war whoops. Reporters and cameramen had turned out in large numbers to cover the event. An Indian leader told a reporter that "this state is the Mississippi of the West" for the Indian people. State men were observed walking around with walkie-talkies and a large force was seen across the river. The Indian leaders did not want to be accused of another massacre, so they ignored their presence.

February 6, 1966, Negro comedian Dick Gregory joined the Indian fight and offered his services to the Indians. The Indians invited him to fish-in with them on the Nisqually River, and he accepted the invitation. Two Nisqually Indians, Leonard and Louis Squally, went in the boat with Gregory, who caught two steelhead. State wardens watched, but as in the case of Marlon Brando, did not arrest him. After the fish-in Gregory told in a news conference that the Indians' treaty fight was one of the most important civil-rights fights going on in the nation at this time. He went on to define the civil rights movement as a campaign for human dignity for all men, not just for Negroes.

The next day Governor Evans branded Dick Gregory's participation as "just another publicity stunt".

Meanwhile Gregory sent for his wife Lillian, who came west to join her husband. Soon they were both in jail. Although they could have bailed out after entering their plea of not guilty to the charge of illegal net fishing, they both remained in jail to publicize the case.

On February 17th Dick Gregory bailed out of jail in order to join Janet McCloud, Bob Satiacum, Frank Wright, Puyallup tribal chairman, and the state's man Robert Lasseter, fisheries warden, at a nearby Catholic college in a discussion about the fishing controversy. Gregory stated that he intended to sue the state for false arrest. Mrs. McCloud denounced Evans' charge that Gregory was seeking publicity: "All Dick Gregory is doing is casting a spotlight upon a problem that's been here for over a hundred years, and it's well known that people who do dark deeds don't like light cast upon them". Bob Satiacum bitterly denounced

the whole history of Indian and white relations and concluded by stating that "almost every word that the state puts out is a lie". Some students boo'ed this, but it's a historical fact nevertheless. While all the Nisquallies were at the campus, the state made a raid and took the fishing nets from the river.

March 1, 1966, four Indians refused to show up in Tacoma Superior Court to show cause why they should not be held in contempt of court for violating the fishing injunction. In these rigged show-cause cases the Indians are not allowed a jury trial. Judge John Cochran issued arrest warrants for Alvin Bridges, Herman Johns, Jr., and Louis and Leonard Squally.

It reminded one local writer of Irish rebel days, when someone on the run was described as "a man on his own keep"--meaning that the English were hunting him. A strong strain of Irish and Scotch blood is present in the Washington Indians, the legacy of early fur traders, so the allusion to the moors and bogs of Eire is not so farfetched. Only now their descendants are in hiding along the thickly forested streams and hills of the Nisqually reservation. However, both areas are extremely wet and cold.

While Mrs. Gregory was sitting it out in jail the Indians held a protest march which started in front of the Justice Building at the capitol grounds and proceeded to the jail, where they took up flowers and candy to Mrs. Gregory in appreciation of her efforts. From there the marchers went to Governor Evans' mansion to protest his persecution of them. The governor didn't show his face, but he had a large force of his special unit there and they were very nervous. Again only a small group showed up to participate in the protest march.

Now the Muckleshoot tribe said that they intended to have a fish-in on the Green River. They also have a fishing injunction against them; in fact, they were the first tribe to be hit. They asked Dick Gregory to join them, and he accepted. It was decided by both the Muckleshoots and the Nisqually Indians that they would have two fish-ins on the same day, the first to be held on the Nisqually at nine in the morning and the second on the Green at one in the afternoon. The press was not informed until an hour before the first fish-in, so at the Nisqually only ten people and two newsmen showed up. Dick Gregory had decided to fish in both of the demonstrations. When the wardens saw how small the Nisqually force was, they moved in on the

Indians in large numbers. Edith and Janet McCloud, sisters-in-law, tried to order the wardens off the federal land, when the wardens came in to arrest Gregory. A pushing match started and the two women were arrested and again charged with interfering with a police officer in the performance of his duties. They entered a plea of not guilty, and their case was set over for a jury trial. Gregory was charged with illegal net fishing, and all three stayed in jail on a hunger strike.

Meanwhile, on the Green, the Muckleshoot had a large turnout of Indians and non-Indian spectators, about three hundred people in all. When the large force of game wardens descended on the Green River fish-in and started to rough up a young Indian girl, the assembled Indians promptly turned on them and stoned them--men, cars, and everything in sight. The wardens left the scene and made no on-the-spot arrests. Later four Indians who had gone fishing were arrested and their bail was set at \$1,000 each. Their attorney refused to have anything to do with them; the Survival of American Indians Association went good for their bail bonds. And the American Civil Liberties Union finally took a stand for the Indians and provided an attorney to represent the four Muckleshoots. Mr. Bill Hansen, attorney, promptly filed a writ of prejudice against the judge who issued the arrest warrants, and it was granted. The Indians have been victims of political-minded judges since this state was formed; it's about time attorneys took a direct stand against this discrimination with a legal cloak.

II

In January of 1964 the Nisqually, Puyallup and allied tribes formed the Survival of American Indians Association for the purpose of channeling their energies into a united fight. It is this group of Indians that has been the leaders of resistance. Other efforts of the Association have been to raise much-needed funds for legal assistance when requested by an Indian or Indian tribe, to provide bail bonds, food and moral support to battle-weary Indians.

The Indians have relied largely upon their fish-in demonstrations as their direct action program, as the few marches they have staged have been unsuccessful for lack of support by the public or by the Indians themselves. The main reason for the Indians' reluctance to march is that many people tend to lump the Negro problem and the Indian problem into one barrel when both use the same tactics. Indians want the distinction understood: the Indians are dead set

against assimilation into the white society, contrary to the Negroes who appear to welcome assimilation. It must also be remembered that the Indian people are large property owners, and most of their problems come from the illegal attempts of the whites to take the Indian's property--against his will.

The State's confiscation of thousands of dollars worth of fishing gear (allegedly for future court evidence) was done as an economic blow to the Indians because of their resistance to the State's injunctions. It is hard for these people to replace the hand-dug-out canoes, boats, outboard motors, and fishing nets, which have either been handed down from their fathers or bought with their life's earnings. In fact, the dugout canoes are irreplaceable. These confiscations are just a way to beat the Indians down, identical to the policy of shooting the buffalo in an earlier time.

The hostile attitude against the Indian people by a large percentage of the general public is reflected by statements made to the Indians by judges of Washington courts.

Judge Jacques, Pierce County Superior Court, who over two years ago issued an injunction against the Nisquallies, told the Indians, "They never meant for you people to be free like everyone else."

Pierce County Assistant Prosecutor Harmon in Justice Court said, "We had the power and force to exterminate these people from the face of the earth, instead of making treaties with them. Perhaps we should have. We certainly wouldn't be having all this trouble with them today."

Federal District Judge Boldt told one Indian tribe's attorney, who was seeking a writ of prohibition against the State, "I don't want to hear any more about these damn' Indian fishing cases".

While Governor Evans tries to deny that any racial undertones are present in his actions against the Indians, the fact remains that within the past two years about one hundred Indians have been arrested and many of them have been denied jury trials. On the Nisqually River where the greatest resistance has been put up, all the arrested Indians' fishing gear has been confiscated. There have been no court hearings on the taken gear as required by law. The few attorneys who are brave enough to take the Indians' cases have been harassed and intimidated by state officials and sportsmen's groups. Moving pictures of a few Indians net fishing are shown to clubs across the state to stir

up the public against the Indians. For example, in Concrete, Washington, where the Skagit Indians fish, the State used these tactics so well that the mayor of the town led a mob to the river, saying, "Let's get those god-damned Indian nets out of the river". And in a small town near the Makah Indian reservation, after the State showed its "hate-the Indians" pictures another mob gathered to demand that all the Indians be run off the rivers.

Of course, not all the Indians are agreed on the methods being used to fight the State of Washington. A few of the tribal council leaders, who are strongly influenced by the Bureau of Indian Affairs, criticize all the demonstrations held by their brothers. These Indian tribal councils generally occupy the same role that the paramount Chiefs and their councils did in colonial Africa, that of stooging for the whites against their own people. The fighting Indians call them "Uncle Tomahawks" (the Indian equivalent of "Uncle Tom").

The Yakima Indians, like the Nisquallies, are also divided over the issue of treaty fishing rights. The controversy within the tribe is simple enough--those who are ready to fight, and the Uncle Tomahawks who would rather switch. The group spearheading the fight formed the "Five Man Fish Commission of the Yakima Nation". (Fourteen tribes, the Yakima among them, compose the Yakima Nation.) The Nation is actually the superior power, but the Bureau of Indian Affairs, having found it not willing to sign away its people's rights, managed through illegal chicanery to set up the Yakima tribe as the superior power. This has caused much suffering for the Indian people, who are unable to stop the sale of their land to whites or to prevent the corrupt Uncle Tomahawks from wasting the tribal funds. The tribe picks and chooses whom it will protect in legal fights, including actions to defend the tribal fishing right. Since its formation the Five Man Fish Commission has actively campaigned for honest Indians on the Tribal Council and backed them up when they get into office. Last year the Commission managed to get three Indians elected to the fourteen-man council. Needless to say, the Bureau of Indian Affairs uses every method to hinder its activity.

The Yakima fight for their fishing rights on the banks of the Columbia River, boundary between the states of Washington and Oregon. This river is fished commercially by whites at the river mouth, using drift nets. The Indians fish with set nets in their old waters. Where ancient sites have been terminated by dam construction, new fishing stations have been designated for them by the Federal

government. One such site is Cooks, above Bonneville Dam. Here, at about four o'clock in the morning of April 21, 1966, three Indian fishermen were tending their net in a howling wind. The water was rough, and the Indians fought desperately to get their net into the boat before it was dashed against the sharp rocks. One was running the outboard motor and attempting to control the boat, while the other two managed the net; all three were too busy to be aware of anything but their battle with the river. Without warning, a big power speedboat filled with plain-clothed wardens rammed their boat. The wardens were armed--one jumped into the Indians' boat and ordered the fishermen to shore, threatening to blast them out of the water if they disobeyed.

At the camp site, other Indians were awakened by the sounds of running feet and barking dogs, and ran to the beach to see what was happening. What they saw churned their fighting Indian blood--game and fisheries wardens armed with high-powered semi-automatic rifles, shotguns, and seven-celled flashlights had invaded their fishing site. The Indians asked to see the wardens' required federal permission permit--none was produced. They asked to see the wardens' credentials, as many of them were in plain clothes--again, none was shown.

By this time the boats had reached shore. The Indian boat was owned by Madeline Alexander Weeks, who testified later that she had loaned it to her brother. When it touched the dock, she waded out to secure it, wrapped its towline around her waist and was pulling it to shore when she was jumped by a game warden, Gene Whitten. A diminutive woman, she fought a gallant fight to protect her property--but Whitten had a knife; he slashed the rope around her waist, cutting her and her coat. Other Indians were to testify to equally harrowing experiences in this terroristic pre-dawn raid.

Brought into Skamania County Court on illegal fishing charges, the Indians faced the usual prejudiced judge and jury, and were found guilty in a few short minutes.

The trials that Indians are subjected to in the name of "Equal justice before the law" are the hardest pills to swallow. The judge in Stevenson, where these fishermen were tried, is not even a lawyer. The Indians are not allowed to enter the treaties as evidence--nor to enter any evidence at all, for that matter. In the Nisqually cases, state attorneys found it hard to secure convictions when the treaty was introduced, so now jurors must leave the jury room whenever treaty rights are mentioned. The state

attorneys also found that juries would not swallow their conservation pleas, so now they use an old type of plea to get the juries to decide against the Indians: PREJUDICE! And it works! The fact is that few of the white invaders have forgiven the Indians for their original crime of being here first. The television westerns, the movies, and the school history books all teach that "the only good Injun is a dead one"--still today. The only thing that these stories apologize for is that the whites couldn't wipe all the Indians out and so had to make treaties with them. So it is a relatively easy thing to play on an all-white jury's anti-Indian feelings. If this sounds like hogwash--sit down tonight and watch the children's programs.

Yakima Indians took up firearms to protect themselves and their gear against the combined forces of the states of Washington and Oregon. In the early morning hours of July 27, armed Yakimas arrested five game wardens at Cooks Landing and held them at gunpoint until they could be turned over to the State Patrol, which assured the Indians that the wardens would be available for trespass charges to be filed in Federal Court. Delno Hoptowit, 22, a Yakima, explained to the press: "They claim they are trying to stop us to save the salmon. The commercial white fishermen below the dam take more fish in one night than all the Indians can take all year. We have to fish now, before the white commercial season starts, or starve. Once they start, their 1500-foot nets literally block the whole channel of the river. In a couple of days they will clean out all the fish."

Before the Yakima took up arms, over 32 Indians had been arrested in night raids. After the Indians retaliated, Robert Robinson, chief administrative officer for Washington's Fisheries Department, told the press that his department "will enforce the law where able to, but will not risk the lives of its enforcement agents. There is no use running full force into these people. We are not going to risk our lives for a few fish." The night arrests ceased. After that, Indians were arrested when they went to the store, one by one.

The hostility of the public is shown in an Oregon newspaper editorial: "It has been many generations since the last armed conflict between white men and red men... But bullets could fly and blood flow, if rifle-toting Yakima Indians are so brash as to use their weapons to back up their claim to the treaty rights to string nets across the river. . . American Indians learned to their sorrow the folly of trying to defeat the whites by force of arms."

Last year Malcolm S. McLeod, attorney for the twenty Indian tribes in western Washington, had told the public in a television interview: "There is likely to be bloodshed. You can't deprive a people of their livelihood and expect them to take it lying down." His prophecy would seem to be bearing fruit.

Another way the State of Washington whips the Indians economically is to deprive them of markets for their fresh salmon, by harassing and intimidating the fish buyers. Last year the Survival of American Indians Association did a hit-and-miss survey of markets where the Indians usually sell their salmon. When asked why they had refused to buy from Indians, buyers stated that every week the fisheries and game wardens come in and check their receipt books. Although it is not against any state law to buy from Indians, the state wardens intimated to the buyers that they could make things "hot" for them. As one buyer stated: "You guys are right. Those game wardens act like Gestapo agents. They came in here and demanded to see my books. I ain't buying any fish from the Indians, but those guys made me mad, the way they acted." When he was asked if he would buy fish from the Indians, he said, "I know you guys are right but I've got a business to run and I need fifteen state licenses to keep it open. They said they'd suspend one of my licenses and close me down. I can't afford to buck the State." Others were told that if they bought any Indian fish they would be jailed and fined one thousand dollars; even if the State couldn't make charges stick, the buyers would be saddled with expensive attorney fees and court costs.

Halvorson's fish market in Tacoma could not be intimidated by the state wardens. So wardens came to the market every day, checking fish receipts and trying to scare away business. He continued to buy fish from the Indians.

Danny Newton and his wife Alice, both Indians, armed with a federal trade license and \$7,000 in cash from a timber sale on their allotted land, decided to buck the state of Washington and buy fish from the Puyallup Indians. In July of 1964 they set up a fish-buying camp in the seven-acre plot of land owned by the Puyallup tribe within the metropolitan area of Tacoma. The state immediately put their camp under 24-hour surveillance. Newton's trucks were followed everywhere by both city and state police. He got thirty traffic tickets in one week alone, for everything from driving an inch over the dividing line to driving too fast or too slow. The Newtons were investigated by both the

Health and the Welfare departments, constantly persecuted by Washington state officials.

Newton bought the Indians' fish for cash, and sold them to bigger markets on a consignment basis. He bought fish from his Indian brothers for over three months, until his ready cash gave out. One market which owed him about \$7,000 (an amount approximately equal to his original capitalization) refused to pay him. He obtained a lawyer who did get back a small amount of the money, but Newton took a big loss. Without resources to investigate, the Indians can never be sure, but they feel that the state was involved in this swindle.

Newton and his wife were arrested five times for illegal fish buying, but as he had a federal trade license, they never lost their case. Yet they never won: after all attorney fees, traffic tickets, and all the other forms of harassment, the Newtons lost all their money and suffered severe mental anguish. Today the Indians list them among the casualties of the war between the Indians and the State.

Another fish buyer who is on the state's blacklist is Roy Stritmater. Roy owns a fish market in the town of Hoquiam, Washington. He bought fish from the Washington Indians for at least forty years. This is only a sideline, as most of his fish come from non-Indian commercial fishermen. Roy's brother Lester Stritmater is an attorney and justice of the peace. Roy not only buys salmon from the Indians, but the controversial salmon-like steelhead trout, which the state of Washington has declared a game fish.

Roy had been branded a renegade by the state officials, even though he is officially licensed to do business. He has been arrested numerous times and has had to pay large bail bonds. He has had hundreds of tons of fish confiscated. He has been chased on wild rides by wardens threatening

bodily harm. Yet he refuses to bow down to the state. He fights inside and outside the courts. Of course, there is a world of difference between Stritmater, a non-Indian with an already thriving business, and Newton, an Indian just starting his business, and with no attorney brother to defend him. The state is hurting Roy's business by using propaganda; they tell the white commercial fisherman that Roy is an Indian-lover and a renegade. He has lost a lot of his fishermen.

The Sko-bobch (literally "Green River") tribe was concentrated on the Muckleshoot Reservation after the signing of

the Port Elliot Treaty in 1855. The Sko-bobch have never lost their ethnic identity, but are more commonly known today as Muckleshoot Indians. Formerly the Green River ran through reservation land, but it has been diverted by dams and waterways; the State now has a fish hatchery on the river, and claims ownership by squatters' rights. The Muckleshoot Reservation lies somewhat east of a line drawn about midway between Tacoma and Seattle, in what has become the most densely populated region of the state. The Indians arrested after the big fish-in on the Green, in which Dick Gregory participated, were descendants of the Sko-bobch tribe. Their trial was scheduled to take place at a local justice court.

The American Civil Liberties Union, entering the case on the Indians' behalf, delegated Mr. Bill Hansen to represent the arrested fishermen. He filed a writ of prejudice against the local judge, and the case was removed to Federal Way Justice Court. The Muckleshoots announced their now historic treaty trek. Old and young Indians along with non-Indian sympathizers trekked for fifteen miles from the reservation to Federal Way, to present the judge with a copy of the Port Elliot Treaty, as a protest of the state's encroachment of the treaty rights. The judge hurriedly had the case removed from his court before the Indians finished their trek. When the judges finished their game of passing the buck around, the Indians ended up in Seattle District Court, before Judge James J. Dore.

At the trial it was apparent that the State had prerehearsed its witnesses. Almost all of them used exactly the same words on the stand, and were cool, calm, and deliberate in their testimony. The Indians were unrehearsed and emotional in their defense. In their attempt to show the jury that the Indians are savages and incapable of understanding the need for conservation laws, state attorneys stressed over and over how the Indians catch and kill the fish, as though the Indians were being tried for murder of the fish rather than violation of state game laws. "After they caught the fish", the deputy prosecutor said, "they used big rocks and clubs on the poor fish and their eyes flew out and the blood flew in the air". (Unlike whites who let the fish suffer a long and agonizing death, Indians are taught early to hit the fish on a certain spot to kill it instantly.)

The U. S. Attorney's office sent an attorney to represent the Federal Government's defense of its treaty commitments with the Sko-bobch Indians. Bill Hansen, of the ACLU, represented the Indians, Cecil Moses, Robert Moses,

Sherman Dominick and Larry Maurice. Their defense was that since their ancestors were signatories to the Port Elliot Treaty, which Chief Seattle signed in their behalf, that state had no jurisdiction over their common and accustomed fishing stations on the Green River. The state was not in existence at the time of the treaty agreements, and is therefore an interloper trying to establish ownership of the Indian fishing stations. It is true that the Indians ceded the land, but they specifically retained ownership of all the Washington waters--legally speaking, they are the riparian owners. Tribal elders took the stand to defend the young fishermen and to identify them as tribal members.

Mike Johnson, assistant to the State Attorney General, and Donald Skinner, King County Deputy Prosecutor, represented the State of Washington. They sought to block the entering of the treaty as evidence in the Indian defense, but were overruled. Nevertheless, they were able to convince the jury that there were no such Indians as the Sko-bobch.

The Indians, of course, lost. Their attorney gave notice of appeal.

The Muckleshoots have been a source of inspiration to Indians all over the United States (and outside it) because of their unity and their fight. No other tribe in this state (there are 37 in existence today) has staged such a fight outside of the courts as this tribe. They have literally no money, and are few in number--yet this summer they had a treaty trek, a canoe trek, and another march in Seattle. Old and young alike, fisher people and non-fisher people, Indian and non-Indian. Only those who have an accurate knowledge of the Indians' history understand or realize the importance of this feat. It marks a new page in the Indians' future history.

The Survival of American Indians Association, mostly composed of Nisqually fishermen, has been busy this summer with its Operation Re-education Program--especially in the Nisqually area, where the children who have been victims of state raids are most ready to learn. This program is to teach Indian children their almost lost culture, history, and language. The sad fact is that Indians in this state don't know as much about their culture as the Boy Scouts do. In the early days of white settlement, this western part of the state was Catholic territory; the state was divided in half, the eastern part being Protestant. The division was necessary as the churches were paid so much a head to deIndianize the Indians, and religious wars were

erupting in their fight to get more heads. The first thing the churches did was to burn all the Indians' clothing and dress them in white clothing, then they forbade all Indian dancing, singing, teaching of moral customs to the young, etc. After suffering the worst indignities that one (so-called) human being can inflict on another, the Indians in eastern Washington killed the missionary Marcus Whitman in 1847. The vast majority of Washington Indians today suffer from mass social disorientation as a result of the government's policy of cultural genocide. Unable to accept the avaricious whites' materialistic culture in place of their own, Indians have resorted to the bottle in an attempt to forget. The AA, which helps alcoholics by seeking individual causes of a person's alcoholism, has been unable to help the Indians, for the causes of an Indian's alcoholism are social, the result first of being addicted by corrupt whites to get Indian land and later of the brainwashing being used to deIndianize the Indians. Operation Re-ed seeks to teach the young these lost treasures, knowing that it is a fact that "the truth shall set you free."

The Lummi tribe near Bellingham ran into difficulty with the state over the demand that the Indians give up their best waterfront land for a new scenic freeway that the state wants to build. The Indians refused to sell their land, but the state will not take no for an answer. Every method is being used to pressure the Indians into selling. The method the state has found most effective is an attack on the young children: the state has discontinued school buses on the reservation. Until the Indians give in, they must get their children to school themselves. Lack of transportation is not accepted as an excuse for absence. If the children are not in school, parents are taken into court as unfit to retain their custody. The Lummis also have problems over their fishing rights, and many have been jailed. The Lummis are one of the most peaceful tribes in the state, but their patience is bound to run out.

The Skokomish tribe, like the Muckleshoots, allowed the state to build a fish hatchery on its river above the fishing sites. Now the state claims it owns the whole river, because the Indians gave permission to build a hatchery. The Skokomish is a fighting tribe. If the State keeps up its demand that they move off their river--watch for fireworks! The Skokomish tribe has another fight with the state, over the sale of real fireworks on the reservation, contending that the state has no jurisdiction on reservation land, and that its ban on fireworks sales is therefore void. This case has not yet been brought to trial.

Every tribe in the United States is involved in a legal battle of one sort or another--illegal taking of Indian land, hunting rights, human rights, oil leases, uranium, gold, timber and fishing rights. Every government official states that these matters must, and can only, be settled in the courts. Court battles have been going on since Andrew Jackson was President and the Cherokees fought his Indian Removal Act. The United States Supreme Court ruled for the Indians, but the Cherokees were removed anyway. The fisher Indians have been in court fighting since 1905, and the federal courts have ruled for us, yet what good are these federal court rulings? The courts cannot enforce their decisions and never will be able to. The American Indians who are under the guardianship of the U.S. are the richest people in the world--and still the poorest. When the Indian people finally come of age and can manage their own estates, will there be anything left to manage? --the Great Spirit and everyone else knows that America's once poverty-stricken immigrants (who flocked over here from Europe with literally nothing) are now the richest people in the world. No wonder--they are the executors of our estates.

As it was in the past with the Cherokees, so it is today with the Negroes in their battle for civil rights. MISSISSIPPI! Cherokee country. The rich red American blood of the Cherokees flowed freely over the country and fertilized it. Today, the Negroes trying to make this nation's people live up to its courts' decisions, and to the laws of Congress, and to the claims it makes to the world about "Life, Liberty, and Justice for all", are fertilizing the soil with their blood. No: the quest for justice will never find fulfillment in American courts.

The only solution to the American Indians' problem lies with the United Nations, for the following reason: treaties! No matter what tribe is fighting, the fight is over treaty rights. The fact is evident that the Indians are getting nowhere--merely being drained of their funds for legal expenses. If the Indians must be under a guardianship, they should be placed under a United Nations trusteeship, which would not be in a position to make a profit from Indian resources as do our trusts today. The first thing the U.N. would have to do is review all the treaties between the new United States and the American natives. What every Indian tribe is fighting for is only what was stipulated in those treaties. All the land that was reserved should and must be re-established under tribal ownership, for the majority of Indians are wandering homeless on this land.

The whites who live illegally on reservation land today (for treaties stipulated that no whites would be allowed to reside upon Indian land) should be amply paid for their removal. Those Indians who prefer to follow the road of the whites should be free to do so, but those who are sickened of the whites' way of non-life, as many are, would reside within the safety of the reservations. All this would be watched over by a United Nations trusteeship, which would also help the Indians with their economic, health, education and welfare problems until the Indians are capable of doing these things themselves--which, would happen much faster than under the present system.¹

¹ This essay originally appeared as mimeographed Bulletins No. 29 and 30 issued by the Seattle Group.

REPRINT:

Natural Law, Or The Science Of Justice

By Lysander Spooner

Lysander Spooner has many great distinctions in the history of political thought. For one thing, he was undoubtedly the only constitutional lawyer in history to evolve into an individualist anarchist; for another, he became steadily and inexorably more radical as he grew older. From the time that Benjamin R. Tucker founded the scintillating periodical, Liberty, in 1881, Spooner and Tucker were the two great theoreticians of the flourishing individualist anarchist movement, and this continued until Spooner's death in 1887, at the age of 79.

Spooner and the younger Tucker differed on one crucial point, though on that point alone: Tucker was strictly and defiantly a utilitarian, whereas Spooner grounded his belief in liberty on a philosophy of natural rights and natural law. Unfortunately, Spooner's death left Tucker as the major influence on the movement, which quickly adopted the utilitarian creed while Spooner's natural rights-anarchism faded into the background. The present-day followers of Spooner and Tucker, in the United States and England, have also forgotten the fundamental natural-rights grounding in Spooner and have rested on the far more shaky and tenuous Tuckerian base of egoistic utilitarianism.

Lysander Spooner published Natural Law, or the Science of Justice as a pamphlet in 1882; the publisher was A. Williams & Co. of Boston. The pamphlet had considerable influence among American and European anarchists of the day, and was reprinted in three editions in the three years following publication. Spooner meant the pamphlet to be the introduction to a comprehensive masterwork on the

natural law of liberty, and it is a great tragedy of the history of political thought that Spooner never lived to complete the projected treatise. But what we have retains enduring value from the fact that, of all the host of Lockean natural rights theorists, Lysander Spooner was the only one to push the theory to its logical--and infinitely radical--conclusion: individualist anarchism.

Those who are interest in delving further into Spooner's exhilarating writings will be greatly rewarded by reading his No Treason and his Letter to Thomas F. Bayard, published together under the title No Treason by the Pine Tree Press, Box 158, Larkspur, Colorado, and available for \$1.50.

The following is the complete and unabridged pamphlet by Spooner; his characteristic subtitle to the pamphlet was: A Treatise on Natural Law, Natural Justice, Natural Rights, Natural Liberty, and Natural Society; Showing That All Legislation Whatsoever is an Absurdity, a Usurpation, and a Crime. Spooner also appended another characteristic note that: "The Author reserves his copyright in this pamphlet, believing that, on principles of natural law, authors and inventors have a right of perpetual property in their ideas."



THE SCIENCE OF JUSTICE

I.

The science of mine and thine--the science of justice--is the science of all human rights; of all a man's rights of person and property; of all his rights to life, liberty, and the pursuit of happiness.

It is the science which alone can tell any man what he can, and cannot, do; what he can, and cannot have; what he can, and cannot, say, without infringing the rights of any other person.

It is the science of peace; and the only science of peace; since it is the science which alone can tell us on what conditions mankind can live in peace, or ought to live in peace, with each other.

These conditions are simply these: viz., first, that each man shall do, towards every other, all that justice requires him to do; as, for example, that he shall pay his debts, that he shall return borrowed or stolen property to its owner, and that he shall make reparation for any injury he may have done to the person or property of another.

The second condition is, that each man shall abstain from doing to another, anything which justice forbids him to do; as, for example, that he shall abstain from committing theft, robbery, arson, murder, or any other crime against the person or property of another.

So long as these conditions are fulfilled, men are at peace, and ought to remain at peace, with each other. But when either of these conditions is violated, men are at war. And they must necessarily remain at war until justice is re-established.

Through all time, so far as history informs us, wherever mankind have attempted to live in peace with each other, both the natural instincts, and the collective wisdom of the human race, have acknowledged and prescribed, as an indispensable condition, obedience to this one only universal obligation: viz., that each should live honestly towards every other.

The ancient maxim makes the sum of a man's legal duty to his fellow men to be simply this: "To live honestly, to hurt no one, to give to every one his due."

This entire maxim is really expressed in the single words, to live honestly; since to live honestly is to hurt no one, and give to every one his due.

II.

Man, no doubt, owes many other moral duties to his fellow men; such as to feed the hungry, clothe the naked, shelter the homeless, care for the sick, protect the defenseless, assist the weak, and enlighten the ignorant. But these are simply moral duties, of which each man must be his own judge, in each particular case, as to whether, and how, and how far, he can, or will, perform them. But of his legal duty—that is, of his duty to live honestly towards his fellow men—his fellow men not only may judge, but, for their own protection, must judge. And, if need be, they may rightfully compel him to perform it. They may do this, acting singly, or in concert. They may

do it on the instant, as the necessity arises, or deliberately and systematically, if they prefer to do so, and the exigency will admit of it.

III.

Although it is the right of anybody and everybody—of any one man, or set of men, no less than another—to repel injustice, and compel justice, for themselves, and for all who may be wronged, yet to avoid the errors that are liable to result from haste and passion, and that everybody, who desires it, may rest secure in the assurance of protection, without a resort to force, it is evidently desirable that men should associate, so far as they freely and voluntarily can do so, for the maintenance of justice among themselves, and for mutual protection against other wrongdoers. It is also in the highest degree desirable that they should agree upon some plan or system of judicial proceedings, which, in the trial of causes, should secure caution, deliberation, thorough investigation, and, as far as possible, freedom from every influence but the simple desire to do justice.

Yet such associations can be rightful and desirable only in so far as they are purely voluntary. No man can rightfully be coerced into joining one, or supporting one, against his will. His own interest, his own judgement, and his own conscience alone must determine whether he will join this association, or that; or whether he will join any. If he chooses to depend, for the protection of his own rights, solely upon himself, and upon such voluntary assistance as other persons may freely offer to him when the necessity for it arises, he has a perfect right to do so. And this course would be a reasonably safe one for him to follow, so long as he himself should manifest the ordinary readiness of mankind, in like cases, to go to the assistance and defense of injured persons; and should also himself "live honestly, hurt no one, and give to every one his due." For such a man is reasonably sure of always having friends and defenders enough in case of need, whether he shall have joined any association, or not.

Certainly no man can rightfully be required to join, or support, an association whose protection he does not desire. Nor can any man be reasonably or rightfully expected to join, or support, any association whose plans, or method of proceeding, he does not approve, as likely to accomplish its professed purpose of maintaining justice, and at the same time itself avoid doing injustice. To join, or support, one that would, in his opinion, be inefficient,

would be absurd. To join or support one that, in his opinion, would itself do injustice, would be criminal. He must, therefore, be left at the same liberty to join, or not to join, an association for this purpose, as for any other, according as his own interest, discretion, or conscience shall dictate.

An association for mutual protection against injustice is like an association for mutual protection against fire or shipwreck. And there is no more right or reason in compelling any man to join or support one of these associations, against his will, his judgment, or his conscience, than there is in compelling him to join or support any other, whose benefits (if it offer any) he does not want, or whose purposes or methods he does not approve.

IV.

No objection can be made to these voluntary associations upon the ground that they would lack that knowledge of justice, as a science, which would be necessary to enable them to maintain justice, and themselves avoid doing injustice. Honesty, justice, natural law, is usually a very plain and simple matter, easily understood by common minds. Those who desire to know what it is, in any particular case, seldom have to go far to find it. It is true, it must be learned, like any other science. But it is also true that it is very easily learned. Although as illimitable in its applications as the infinite relations and dealings of men with each other, it is, nevertheless, made up of a few simple elementary principles, of the truth and justice of which every ordinary mind has an almost intuitive perception. And almost all men have the same perceptions of what constitutes justice, or of what justice requires, when they understand alike the facts from which their inferences are to be drawn.

Men living in contact with each other, and having intercourse together, cannot avoid learning natural law, to a very great extent, even if they would. The dealing of men with men, their separate possessions and their individual wants, and the disposition of every man to demand, and insist upon, whatever he believes to be his due, and to resent and resist all invasions of what he believes to be his rights, are continually forcing upon their minds the questions, Is this act just? or is it unjust? Is this thing mine? or is it his? And these are questions of natural law; questions

which, in regard to the great mass of cases, are answered alike by the human mind everywhere.*

Children learn the fundamental principles of natural law at a very early age. Thus they very early understand that one child must not, without just cause, strike, or otherwise hurt, another; that one child must not assume any arbitrary control or domination over another; that one child must not, either by force, deceit, or stealth, obtain possession of anything that belongs to another; that if one child commits any of these wrongs against another, it is not only the right of the injured child to resist, and, if need be, punish the wrongdoer, and compel him to make reparation, but that it is also the right, and the moral duty, of all other children, and all other persons, to assist the injured party in defending his rights, and redressing his wrongs. These are fundamental principles of natural law, which govern the most important transactions of man with man. Yet children learn them earlier than they learn that three and three are six, or five and five ten. Their childish plays, even, could not be carried on without a constant regard to them; and it is equally impossible for persons of any age to live together in peace on any other conditions.

It would be no extravagance to say that, in most cases, if not in all, mankind at large, young and old, learn this natural law long before they have learned the meanings of the words by which we describe it. In truth, it would be impossible to make them understand the real meanings of the words, if they did not first understand the nature of the thing itself. To make them understand the meanings of the words justice and injustice, before knowing the nature of the things themselves, would be to make them understand the meanings of the words heat and cold, wet and dry, light and darkness, white and black, one and two, before

* Sir William Jones, an English judge in India, and one of the most learned judges that ever lived, learned in Asiatic as well as European law, says: "It is pleasing to remark the similarity, or rather, the identity, of those conclusions which pure, unbiassed reason, in all ages and nations, seldom fails to draw, in such juridical inquiries as are not fettered and imanacled by positive institutions." - Jones on Bailments, 133

He means here to say that, when no law has been made in violation of justice, judicial tribunals, "in all ages and nations," have "seldom" failed to agree as to what justice is.

knowing the nature of the things themselves. Men necessarily must know sentiments and ideas, no less than material things, before they can know the meanings of the words by which we describe them.

V.

If justice be not a natural principle, it is no principle at all. If it be not a natural principle, there is no such thing as justice. If it be not a natural principle, all that men have ever said or written about it, from time immemorial, has been said and written about that which had no existence. If it be not a natural principle, all the appeals for justice that have ever been heard, and all the struggles for justice that have ever been witnessed, have been appeals and struggles for a mere fantasy, a vagary of the imagination, and not for a reality.

If justice be not a natural principle, then there is no such thing as injustice; and all the crimes of which the world has been the scene, have been no crimes at all; but only simple events, like the falling of the rain, or the setting of the sun; events of which the victims had no more reason to complain than they had to complain of the running of the streams, or the growth of vegetation.

If justice be not a natural principle, governments (so-called) have no more right or reason to take cognizance of it, or to pretend or profess to take cognizance of it, than they have to take cognizance, or to pretend or profess to take cognizance, of any other nonentity; and all their professions of establishing justice, or of maintaining justice, or of regarding justice, are simply the mere gibberish of fools, or the frauds of imposters.

But if justice be a natural principle, then it is necessarily an immutable one; and can no more be changed—by any power inferior to that which established it—than can the law of gravitation, the laws of light, the principles of mathematics, or any other natural law or principle whatever; and all attempts or assumptions, on the part of any man or body of men—whether calling themselves governments, or by any other name—to set up their own commands, wills, pleasure, or discretion, in the place of justice, as a rule of conduct for any human being, are as much an absurdity, an usurpation, and a tyranny, as would be their attempts to set up their own commands, wills, pleasure, or discretion in the place of any and all the physical, mental, and moral laws of the universe.

VI.

If there be any such principle as justice, it is, of necessity, a natural principle; and, as such, it is a matter of science, to be learned and applied like any other science. And to talk of either adding to, or taking from, it, by legislation, is just as false, absurd, and ridiculous as it would be to talk of adding to, or taking from, mathematics, chemistry, or any other science, by legislation.

VII.

If there be in nature such a principle as justice, nothing can be added to, or taken from, its supreme authority by all the legislation of which the entire human race united are capable. And all the attempts of the human race, or of any portion of it, to add to, or take from, the supreme authority of justice, in any case whatever, is of no more obligation upon any single human being than is the idle wind.

VIII.

If there be such a principle as justice, or natural law, it is the principle, or law, that tells us what rights were given to every human being at his birth; what rights are, therefore, inherent in him as a human being, necessarily remain with him during life; and, however capable of being trampled upon, are incapable of being blotted out, extinguished, annihilated, or separated or eliminated from his nature as a human being, or deprived of their inherent authority or obligation.

On the other hand, if there be no such principle as justice, or natural law, then every human being came into the world utterly destitute of rights; and coming into the world destitute of rights, he must necessarily forever remain so. For if no one brings any rights with him into the world, clearly no one can ever have any rights of his own, or give any to another. And the consequence would be that mankind could never have any rights; and for them to talk of any such things as their rights, would be to talk of things that never had, never will have, and never can have existence.

IX.

If there be such a natural principle as justice, it is necessarily the highest, and consequently the only and

universal, law for all those matters to which it is naturally applicable. And, of consequently, all human legislation is simply and always an assumption of authority and dominion, where no right of authority or dominion exists. It is, therefore, simply and always an intrusion, an absurdity, an usurpation, and a crime.

On the other hand, if there be no such natural principle as justice, there can be no such thing as injustice. If there be no such natural principle as honesty, there can be no such thing as dishonesty; and no possible act of either force or fraud, committed by one man against the person or property of another, can be said to be unjust or dishonest; or be complained of, or prohibited, or punished as such. In short, if there be no such principle as justice, there can be no such acts as crimes; and all the professions of governments, so called, that they exist, either in whole or in part, for the punishment or prevention of crimes, are professions that they exist for the punishment

or prevention of what never existed, nor ever can exist. Such professions are therefore confessions that, so far as crimes are concerned, governments have no occasion to exist; that there is nothing for them to do, and that there is nothing that they can do. They are confessions that the governments exist for the punishment and prevention of acts that are, in their nature, simple impossibilities.

X.

If there be in nature such a principle as justice, such a principle as honesty, such principles as we describe by the words mine and thine, such principles as men's natural rights of person and property, then we have an immutable and universal law; a law that we can learn, as we learn any other science; a law that is paramount to, and excludes, every thing that conflicts with it; a law that tells us what is just and what is unjust, what is honest and what is dishonest, what things are mine and what things are thine, what are my rights of person and property and what are your rights of person and property, and where is the boundary between each and all of my rights of person and property. And this law is the paramount law, and the same law, over all the world, at all times, and for all peoples: and will be the same paramount and only law, at all times, and for all peoples, so long as man shall live upon the earth.

But if, on the other hand, there be in nature no such principle as justice, no such principle as honesty, no such principle as men's natural rights of person and property, then all such words as justice and injustice, honesty and dishonesty, all such words as mine and thine, all words that signify that one thing is one man's property and that another thing is another man's property, all words that are used to describe men's natural rights of person or property, all such words as are used to describe injuries and crimes, should be struck out of all human languages as having no meanings; and it should be declared, at once and forever, that the greatest force and the greatest frauds, for the time being, are the supreme and only laws for governing the relations of men with each other; and that, from henceforth, all persons and combinations of persons—those that call themselves governments, as well as all others—are to be left free to practice upon each other all the force, and all the fraud, of which they are capable.

XI.

If there be no such science as justice, there can be no science of government; and all the rapacity and violence, by which, in all ages and nations, a few confederated villains have obtained the mastery over the rest of mankind, reduced them to poverty and slavery, and established what they called governments to keep them in subjection, have been as legitimate examples of government as any that the world is ever to see.

XII.

If there be in nature such a principle as justice, it is necessarily the only political principle there ever was, or ever will be. All the other so-called political principles, which men are in the habit of inventing, are not principles at all. They are either the mere conceits of simpletons, who imagine they have discovered something better than truth, and justice, and universal law; or they are mere devices and pretenses, to which selfish and knavish men resort as means to get fame, and power, and money.

XIII.

If there be, in nature, no such principle as justice, there is no moral standard, and never can be any moral standard, by which any controversy whatever, between two or more human beings, can be settled in a manner to be obligatory upon either; and the inevitable doom of the human race

must consequently be to be forever at war; forever striving to plunder, enslave, and murder each other; with no instrumentalities but fraud and force to end the conflict.

XIV.

If there be no such obligation as justice, there can certainly be no other moral obligation—truth, mercy, nor any other—resting upon mankind. To deny the obligation of justice is, therefore, to deny the existence of any moral obligation whatever among men, in their relations to each other.

XV.

If there be no such principle as justice, the world is a mere abyss of moral darkness; with no sun, no light, no rule of duty, to guide men in their conduct towards each other. In short, if there be, in nature, no such principle as justice, man has no moral nature; and, consequently, can have no moral duty whatever.

NATURAL LAW CONTRASTED WITH LEGISLATION

I.

Natural law, natural justice, being a principle that is naturally applicable and adequate to the rightful settlement of every possible controversy that can arise among men; being, too, the only standard by which any controversy whatever, between man and man, can be rightfully settled; being a principle whose protection every man demands for himself, whether he is willing to accord it to others, or not; being also an immutable principle, one that is always and everywhere the same, in all ages and nations; being self-evidently necessary in all times and places; being so entirely impartial and equitable towards all; so indispensable to the peace of mankind everywhere; so vital to the safety and welfare of every human being; being, too, so easily learned, so generally known, and so easily maintained by such voluntary associations as all honest men can readily and rightfully form for that purpose—being such a principle as this, these questions arise, viz.: Why is it that it does not universally, or well nigh universally, prevail? Why is it that it has not, ages ago, been established throughout the world as the one only law that any man, or all men, could rightfully be compelled to obey? Why is it that any

human being ever conceived that anything so self-evidently superfluous, false, absurd, and atrocious as all legislation necessarily must be, could be of any use to mankind, or have any place in human affairs?

II.

The answer is, that through all historic times, wherever any people have advanced beyond the savage state, and have learned to increase their means of subsistence by the cultivation of the soil, a greater or less number of them have associated and organized themselves as robbers, to plunder and enslave all others, who had either accumulated any property that could be seized, or had shown, by their labor, that they could be made to contribute to the support or pleasure of those who should enslave them.

These bands of robbers, small in number at first, have increased their power by uniting with each other, inventing warlike weapons, disciplining themselves, and perfecting their organizations as military forces, and dividing their plunder (including their captives) among themselves, either in such proportions as have been previously agreed on, or in such as their leaders (always desirous to increase the number of their followers) should prescribe.

The success of these bands of robbers was an easy thing, for the reason that those whom they plundered and enslaved were comparatively defenseless; being scattered thinly over the country; engaged wholly in trying, by rude implements and heavy labor, to extort a subsistence from the soil; having no weapons of war, other than sticks and stones; having no military discipline or organization, and no means of concentrating their forces, or acting in concert, when suddenly attacked. Under these circumstances, the only alternative left them for saving even their lives, or the lives of their families, was to yield up not only the crops they had gathered, and the lands they had cultivated, but themselves and their families also as slaves.

Thenceforth their fate was, as slaves, to cultivate for others the lands they had before cultivated for themselves. Being driven constantly to their labor, wealth slowly increased; but all went into the hands of their tyrants.

These tyrants, living solely on plunder, and on the labor of their slaves, and applying all their energies to the

seizure of still more plunder, and the enslavement of still other defenseless persons; increasing, too, their numbers, perfecting their organizations, and multiplying their weapons of war, they extend their conquests until, in order to hold what they have already got, it becomes necessary for them to act systematically, and co-operate with each other in holding their slaves in subjection.

But all this they can do only by establishing what they call a government, and making what they call laws.

All the great governments of the world—those now existing, as well as those that have passed away—have been of this character. They have been mere bands of robbers, who have associated for purposes of plunder, conquest, and the enslavement of their fellow men. And their laws, as they have called them, have been only such agreements as they have found it necessary to enter into, in order to maintain their organizations, and act together in plundering and enslaving others, and in securing to each his agreed share of the spoils.

All these laws have had no more real obligation than have the agreements which brigands, bandits, and pirates find it necessary to enter into with each other, for the more successful accomplishment of their crimes, and the more peaceable division of their spoils.

Thus substantially all the legislation of the world has had its origin in the desires of one class of persons to plunder and enslave others, and hold them as property.

III.

In process of time, the robber, or slave-holding, class—who had seized all the lands, and held all the means of creating wealth—began to discover that the easiest mode of managing their slaves, and making them profitable, was not for each slaveholder to hold his specified number of slaves, as he had done before, and as he would hold so many cattle, but to give them so much liberty as would throw upon themselves (the slaves) the responsibility of their own subsistence, and yet compel them to sell their labor to the land-holding class—their former owners—for just what the latter might choose to give them.

Of course, these liberated slaves, as some have erroneously called them, having no lands, or other property, and no means of obtaining an independent subsistence, had no

alternative—to save themselves from starvation—but to sell their labor to the landholders, in exchange only for the coarsest necessities of life; not always for so much even as that.

These liberated slaves, as they were called, were now scarcely less slaves than they were before. Their means of subsistence were perhaps even more precarious than when each had his own owner, who had an interest to preserve his life. They were liable, at the caprice or interest of the land-holders, to be thrown out of home, employment, and the opportunity of even earning a subsistence by their labor. They were, therefore, in large numbers, driven to the necessity of begging, stealing, or starving; and became, of course, dangerous to the property and quiet of their late masters.

The consequence was, that these late owners found it necessary, for their own safety and the safety of their property, to organize themselves more perfectly as a government, and make laws for keeping these dangerous people in subjection: that is, laws fixing the prices at which they should be compelled to labor, and also prescribing fearful punishments, even death itself, for such thefts and trespasses as they were driven to commit, as their only means of saving themselves from starvation.

These laws have continued in force for hundreds, and, in some countries, for thousands of years; and are in force today, in greater or less severity, in nearly all the countries on the globe.

The purpose and effect of these laws have been to maintain, in the hands of the robber, or slave-holding class, a monopoly of all lands, and, as far as possible, of all other means of creating wealth; and thus to keep the great body of laborers in such a state of poverty and dependence, as would compel them to sell their labor to their tyrants for the lowest prices at which life could be sustained.

The result of all this is, that the little wealth there is in the world is all in the hands of a few—that is, in the hands of the law-making, slave-holding class; who are now as much slave-holders in spirit as they ever were, but who accomplish their purposes by means of the laws they make for keeping the laborers in subjection and dependence, instead of each one's owning his individual slaves as so many chattels,

Thus the whole business of legislation, which has now grown to such gigantic proportions, had its origin in the conspiracies, which have always existed among the few, for the purpose of holding the many in subjection, and extorting from them their labor, and all the profits of their labor.

And the real motives and spirit which lie at the foundation of all legislation—notwithstanding all the pretenses and disguises by which they attempt to hide themselves—are the same today as they always have been. The whole purpose of this legislation is simply to keep one class of men in subordination and servitude to another.

IV.

What, then, is legislation? It is an assumption by one man, or body of men, of absolute, irresponsible dominion over all other men whom they can subject to their power. It is the assumption by one man, or body of men, of a right to subject all other men to their will and their service. It is the assumption by one man, or body of men, of a right to abolish outright all the natural rights, all the natural liberty of all other men; to make all other men their slaves; to arbitrarily dictate to all other men what they may, and may not, do; what they may, and may not, have; what they may, and may not, be. It is, in short, the assumption of a right to banish the principle of human rights, the principle of justice itself, from off the earth, and set up their own personal will, pleasure, and interest in its place. All this, and nothing less, is involved in the very idea that there can be any such thing as human legislation that is obligatory upon those upon whom it is imposed.

